

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
NINTH DAY  
JUNE 8, 2004**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING  
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM  
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

**[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]**

**P.O. CARACAPPA:**

Good morning, Mr. Clerk. Please, call the roll.

**MR. BARTON:**

Good morning, Mr. Chairman.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCILOLO:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

Here.

**LEG. VILORIA • FISHER:**

(Not Present)

**LEG. LOSQUADRO:**

Present.

**LEG. FOLEY:**

(Not Present)

**LEG. LINDSAY:**

(Not Present)

**LEG. MONTANO:**

Present.

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. MYSTAL:**

(Not Present)

**LEG. BINDER:**

Here.

**LEG. TONNA:**

Here.

**LEG. COOPER:**

Here.

**D.P.O. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

***(Legislator Mystal entered the Auditorium)***

**MR. BARTON:**

15 present, Mr. Chairman. (Not Present at Roll Call: Legs. Vilorio•Fisher, Foley and Lindsay).

The County Fire Marshal has asked that I read the following: In the event of a fire emergency, please move in a calm and orderly fashion to the nearest exit. There are two fire exits located directly behind me, as well as one to my right and left. Designated personnel will assist the handicapped. Thank you.

**P.O. CARACAPPA:**

Everyone, please rise for a salute to the flag, led by Legislator Schneiderman.

***(SALUTATION)***

Please, remain standing. I'd like to recognize Legislator Crecca for the purposes of introducing this morning's clergy. Legislator Crecca.

**LEG. CRECCA:**

Thank you, Presiding Officer Caracappa. It is my pleasure and honor to bring back someone who's been before us before, Monsignor Elseworth Walden, who is currently the Pastor at St. Patrick's Church in Smithtown. Before becoming the Pastor of St. Patrick's Church in Smithtown last year, Monsignor Walden served as Pastor of St. Thomas Moore Church in Hauppauge for 14 years. And I'm proud to say he was my Pastor then and I sort of still consider him my Pastor. During that time, he served his church and community, and also served as Chaplain of the Hauppauge Fire Department. While •• during his tenure at St. Thomas Moore, he oversaw the renovation of that church and worked tirelessly there for all the parish groups for his 14•year tenure.

Monsignor Walden is active in the Hauppauge School District's Drug Free Program, and has really been a great advocate for the Hauppauge community and now the greater community of Smithtown. It is a great honor to have you here this morning, Monsignor, and we welcome you to give us our invocation this morning. Thank you.

#### **PASTOR ELSEWORTH:**

Thank you, Andrew. Let us pray. Heavenly Father, we ask your blessing on this Legislative body, as once again they meet in service to the people of Suffolk County. Fill them with your spirit of wisdom, that they may see what is truly good for all people. When decisions are difficult or even unpopular, give them the courage to always do what is right, that your truth be their guiding light. Let them know our gratitude and appreciation for taking on the role of public servants. They're examples of how you call us to serve one another. We are grateful for the promise land of America that we live in. The Legislators here are an integral part of the blessing of our democratic government process. As you guide them, infuse all of us with your spirit of wisdom and justice, that we may find true and lasting peace in our hearts, our homes, our county, our nation, and our world. Amen.

#### **P.O. CARACAPPA:**

Please, remain standing. I'd ask for a moment of silence for, of course, in my view, one of the greatest Presidents in America's history, Ronald Reagan. Known as the "Great Communicator", President Reagan, he restored confidence in this country in a time when it was desperately needed, along with patriotism. In his attempt to make this country better, he also made the world better. We saw the demise of communism, we saw the crumbling of the Berlin Wall, and so many •• so many other indelible marks that were made in this world and on our country by

this great American President.

***(Moment of Silence Observed)***

Thank you. I'd like to recognize Legislator Carpenter.

**D.P.O. CARPENTER:**

I would just ask that, as a body, we extend our condolences to the Presiding Officer of the Nassau County Legislature, Judy Jacobs, who lost her husband, Sid, the other day. Yesterday they would have been married 45 years. So our thoughts and prayers go with her and her family.

**P.O. CARACAPPA:**

Absolutely. Thank you. I'd like to recognize Legislator Nowick for the purposes of a proclamation.

**LEG. NOWICK:**

Good morning, everyone. I would like today to call •• call in front to come up here the Smithtown Baseball Team from Smithtown High School. Please, stand up, be recognized. Also, before I tell you a little bit about them, I would like to call up the coaches, Larry Gallagher and Pat Smith. Would you come on up? Hi, how are you.

**LEG. CRECCA:**

I'm right behind you.

**LEG. NOWICK:**

Hi. Nice to see you. Hi. How are you? Just •• let me just in a way of telling you a little bit about them this morning. I'd like to take a moment and introduce the County, Suffolk County Class AA Baseball Team from Smithtown High School. The Bulls, led by their Coach, Larry Gallagher, fought throughout the season with a mixture of talent, determination, teamwork, dedication, and most of all heart, and ultimately captured the title and came close to advancing to the semifinal round of the New York State Class AA tournament. With two pitchers, \\_Sean Savita\\_ and Dan Goldman, raise your hands, combining to throw 56 straight shoot•out innings, Smithtown was poised to bring the best they had against Oceanside. The weather gods, disapproving and lightening storms postponing the game, not only once, but twice, over three

days, it was almost as if these teams were meant to be locked in a battle. Leading, until a final wave by Oceanside gave their team the lead, Smithtown fought with all the attributes that we look to in our youth. These young men were poised by their dedication. They were hard working. They were a team.

On behalf of the Suffolk •• of all of Suffolk County, and especially Smithtown, which I represent, myself and Andrew Crecca would like to congratulate the Bulls for their championship endeavors. And I'd also like to congratulate their coaches for a job well done. Congratulations. Congratulations.

***(Applause)***

**LEG. CRECCA:**

Thank you, Mr. Presiding Officer.

**P.O. CARACAPPA:**

I'd like to recognize ••

***(Applause)***

Congratulations, everyone. Great job. I'd like to recognize Legislator Carpenter for the purpose of a proclamation.

**D.P.O. CARPENTER:**

Well, as we're learning this morning, this is sports season time of the year for high school teams, and I'm very proud to have two teams here this morning from West Islip that we want to recognize. And first I would ask the West Islip Lions Girls Varsity Softball Team if they would stand and ask their coach, George \\_Gagliardi\\_, and their Captain, \\_Bailey Verdevéz\\_, if they would please come forward.

This team, this is a first time for West Islip softball, was one game away from State finals, for winning the State title. They are the Long Island Championship League 3 Team, and the New York State Semifinal Team, Class AA. It was Class AA and Suffolk County Champions. So, we're all very, very proud.

And one interesting statistic I'd like to share with you. \\_Bailey\\_, who is the Captain, \\_Bailey\\_, if you would just wave that powerful arm of yours. Which one do you throw?

\\_MS. VERDEVEZ\\_:

This one.

**D.P.O. CARPENTER:**

Okay, there you go. Well, she's saving it. Pitched three no•hitters this season, and in the last game for the State Championship, they came very, very, very close and lost the game in the tenth inning, in a no•hitter situation up until the tenth inning. And I know that it isn't just one person, and I know \\_Bailey\\_ would agree with me, it is a team. They definitely have all the attributes of that boys team in Smithtown, they have heart, and the best part of it is that they're all coming back next season. So, to all of you, I want to say a hearty congratulations.

***(Applause)***

Okay. And next up, we have the 2004 West Islip Lions Boys Varsity Lacrosse Team. And this, too, is a first for West Islip, so I'd ask if they would please come forward, along with their coaches, \\_Scotty Craig\\_, \\_Mr. Turri\\_, and also the Director of Athletics for the District, \\_Wayne Sharant\\_, who really has cause to be very, very proud of all of his team. But this team, too, Class A Suffolk County Championship, Class A Long Island Championship, and they made it to the New York State Semifinals. They, too, were one game away from the State Championship. We are really very, very proud. It is the first time that West Islip Lacrosse has gotten that far. And, hopefully, next year we'll see you capturing that state title. We're very sure it's going to happen. Would you like to say anything, Scotty?

\\_MR. CRAIG\\_:

No.

**D.P.O. CARPENTER:**

Okay. Well, then congratulations.

***(Applause)***

**P.O. CARACAPPA:**

I recognize Legislator Foley for the purposes of presenting a proclamation.

**LEG. FOLEY:**

Laura Giordino. Is Laura here? Come on, step forward, Laura. As many of us who have been on the Legislature for a number of years, one of the true public health menaces and initiatives that we've undertaken in order to confront that menace is the use and abuse of tobacco. Over a number of years, this Legislature has been at the forefront of public health initiatives to combat tobacco use, both to educate, as well as to adopt laws that regulate, and, in fact, prohibit smoking in a variety of places in order to improve the public's health and in order to improve the workers who work in environments who otherwise will be exposed to cancer causing agents within secondhand smoke. And over those years we have addressed this issue in a variety of ways, and one of the most important is not only have we passed laws, Mr. Chairman, not only have we passed laws to regulate the places where one can smoke, but, at the same time, we want to help those who want to help themselves to stop smoking. In that vein, I have here today, and happy to announce that Ms. Laura \\_Giordino\\_ has been named the "Nurse of the Year". She is the Director of the County's Learn to be Tobacco Free Cessation Program. And this is one of the best cessation programs, not just in the State of New York, but has been acknowledged as one of the best smoking cessation programs in the whole country. In fact, it has been emulated in a number of municipalities throughout our country.

Laura has worked diligently to design a protocol for prescribing and dispensing medications to over twenty•one hundred Suffolk County residents who have participated in the six•week cessation program. She's also further developed educational components in an effort to reach out and educate Suffolk County residents on the effect of tobacco use.

As we all know, it has to be a multifaceted approach when it comes to tobacco cessation. We have to have the laws in place to regulate where one can smoke, but we also have to have the educational component to help those who want to stop, but also, for instance, through K through 12 to help educate those students about the dangers of smoking before they start smoking. And in so doing, Laura has been exceptionally successful, and that's why I had asked for her to be here today, so all of us collectively could acknowledge her and thank her for her years of service within the Department of Health Services, and without •• and with her help, she has saved countless lives, and that's why she, in fact, has become a member of the Health



Services Department, in fact, just to do that, to save lives.

So, Laura, on behalf of the County Legislature, I'd like to say job well done. Congratulations for being named "Nurse of the Year". And we know that you have many years still to save more lives. Congratulations to you.

**MS. GIORDINO:**

Thank you.

***(Applause)***

Thank you so much. It is my honor and privilege to accept this on behalf of Suffolk County Department of Health and all the nurses that I represent in Suffolk County. It's particularly a privilege to be a part of the Learn to be Tobacco Free Program for the last five years. I do agree with Legislator Foley, that we are doing a lot in terms of saving lives. We have countless stories of people who've said they would never be able to stop smoking if it wasn't for the help of this program.

So, I look forward to a number of years in the future that we will be able to continue to offer this wonderful program to save the lives and promote health to the residents of Suffolk County. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. I recognize Legislator Carpenter for the purpose of a proclamation.

**D.P.O. CARPENTER:**

Well, this week is School Crossing Guard Appreciation Week in Suffolk County, and with us this morning, we have Josephine Reilly, who's the Unit President of AME for the Crossing Guards, and I'd ask Josephine and the Crossing Guards, and also Cheryl Felice, the President of AME, if they would come forward to accept this proclamation.

These men and women Crossing Guards really are the nurturers of our children going to and from school. I know when my kids, and they are older than most of the Legislators on the dais

this morning, still talk about the Crossing Guard with much affection. This was a person that saw them every morning coming and going to school, and would have that smile, would have that hello. They care so much about our children. And I would just like to mention that we have a resolution on the agenda this morning that is asking the State to double the fines for any traffic infraction that happens in a school crossing guard zone.

***(Applause)***

All too often in this age of aggressive driving, or increased aggressive driving, we see this happening, and it's that much more egregious when it happens in a school Crossing Guard zone.

So, again, I want to present this proclamation. It has been signed by all of the Legislators. It is something that we all embrace and share these thoughts of appreciation for all of you and the work that you do in Suffolk County. Every day, every day of the school year, regardless of what the weather is, they are out there protecting our children, and we are very, very grateful for all that you do. Josephine, all of the Crossing Guards, thank you so much.

***(Applause)***

Cheryl?

**MS. FELICE:**

Yes. Thank you very much, Deputy Presiding Officer Carpenter. And on behalf of all of the members of AME and officers, we would like to thank the Legislature for bestowing this honor on such a good group of workers that we have in AME.

I would also like to mention that we did just have the passing of a Crossing Guard Cathy Fuchs, who was on a post in Blue Point for over 30 years. She was such a dedicated worker, as are the rest of the workers that cross our children daily, that she asked to be laid out in her uniform, which the Police Department so honored. And that was just two months ago, and we were very, very touched that she felt that strongly about her commitment to this County and the children, as every single person standing behind me has that same commitment. And you have done a very, very good thing here today by honoring such a fine group. Thank you very

much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. At this point, I'd like to recognize Legislator Vilorio•Fisher for an introduction.

**LEG. VILORIA•FISHER:**

Thank you, Mr. Presiding Officer. This morning, the Welfare to Work Commission that was established last year by resolution is going to present their report. To present that report is Mr. Dick Koubek from Catholic Charities. I don't see him. I don't know •• oh. If the members of the Commission could come forward, please.

While they're coming up, I would like my colleagues in the Legislature to know how hard these individuals worked on their own time. They were very disciplined in getting together at least once a month toward the end of the year when they were working on their draft. They were sometimes getting together once a week to work on their report. They held two public hearings, one here and one in Riverhead. And, I'm sorry, if I could just have your attention for a minute, okay, because these are volunteers who have spent a lot of their own time, and it would be good to have your attention.

They held two public hearings, one here in Hauppauge and one in Riverhead. The information that they gathered at those public hearings is included in their draft report •• I mean, not in their draft, but in their final report. And so I'm very proud that we did have this resolution that did pass this Legislature in a bipartisan manner and we have been so very well represented. If you could all just introduce yourselves before you do the report. Thank you. And, please, remember to speak into the mike when you say your name, so that it can be recorded for the stenographer, and your affiliation.

**MR. KOUBEK:**

Good morning. My name is Richard Koubek. I'm Vice Chair of the Commission and I am with Catholic Charities.

**MS. KESHNER:**

Good morning. My name is Cheryl Keshner. I'm with Nassau•Suffolk Law Services.

**MS. GREENBERG:**

Hello. I'm Ruth Greenberg. I'm with Long Island Cares, the Harry Chapin Food Bank.

**MS. GRANT:**

Good morning. I'm Joan Grant and I'm with the Economic Opportunity Council of Suffolk.

**LEG. VILORIA•FISHER:**

And I'd like to mention that Robert Greenberger, who is one of the Co•Chair, and he's from FECS, could not be here today. And one of our other Co•Chairs, Ann Druckenmiller, who really was our original Chair of this committee, probably because of health reasons, is not here today, but she did a phenomenal job in getting us started and getting this group moving and focused. And so I do want to acknowledge Ann Druckenmiller's good work in getting us started.

**P.O. CARACAPPA:**

Mr. Koubek, before you start, as you could see, there's •• we have a tremendous agenda before us. I'd just ask for a brief overview of the report, and, of course, I'm sure other Legislators will review the report in its entirety when we do have time. So, I'd ask for brevity, if you could.

**MR. KOUBEK:**

Yes, sir. Thank you, Legislator Fisher. The charge of this Commission is to provide recommendations and information to the Legislature on pending legislation, and, as Legislator Fisher said with regard to welfare reform, we held two public hearings. The report you have before you today focuses exclusively on proposed reductions in welfare benefits and in health care for the poor that are contained in Governor Pataki's proposed 2004 budget.

The main focus of our committee is to enhance policies and procedures that move people to lives of self•sufficiency, and with that charge, we have made a number of recommendations based on the findings derived from the people who testified before us during the two hearings.

Very briefly, the Governor is seeking to close a 5.1 billion dollar deficit by reducing 88 million dollars in welfare benefits, it's about 1.5% of the deficit, to some of the most vulnerable people in New York State, and certainly some of the most troubled and vulnerable people in Suffolk County. He wants to reduce by 10% the non shelter portion of the public assistance grant for

what are called safety net clients. These are people who have multiple barriers to work; mental illness, chemical dependency, very low levels of education. He wants New York State to become a full family sanctioning state; that is, when a client violates some work procedure, currently, that client's benefit is reduced. The Governor is proposing that the entire family's grant be reduced, including the children.

In addition, he is asking that there be a reduction in the amount of earnings that low income families can keep, and he is also asking that there be up to a 50% reduction in the grant for families that are also receiving social security income, which is when they have disabled people. And, very quickly, he's asking for some significant cuts in health care as well. I'll talk about those in a minute.

Having listened to about eight hours of testimony we have some very, very serious concerns, which are laid out in our report. For one thing, the safety net folks are, as I said, among the most vulnerable people on welfare with the most barriers to self-sufficiency. Making their lives more difficult, and I'll state it very briefly and to the point, making their lives more difficult will not help them and will not help the County. It's going to increase their need for chemical dependency assistance, their need for mental health assistance. It's just not going to work.

Also, reducing the grants of the children of sanctioned parents is not going to help anybody. The states that have reduced the grants of children, full family sanctioning states have no greater compliance than do states like New York.

In addition, I was looking at a study this morning that the Suffolk County Department of Social Services put out, and they admit that one-third of the children in sanctioned families are special needs children. So, you're hitting •• you're hitting the parents and you're hitting kids with special needs. Taking away the amount of money that a working welfare client can keep is just another disincentive to work.

So, in short, the Commission is recommending that you, as a Legislature, adopt the Sense Resolution that was introduced today opposing all of those welfare cuts.

Very quickly into health care. The Governor is proposing, with regard to health care, that children be transferred, certain children be transferred from Medicaid to Child Health Plus. Those children will receive less care. In addition, they may have to wait up to 90 days, if not

longer, for a transfer. They may be without health care for that time. He's also suggesting that certain types of health care be eliminated altogether; podiatry, dentistry, vision, audiology, nursing services, psychological services.

The Commission's feeling is again, this does not help poor people, a; b, it will cost the County, it will cost employers in the long run, because people are going to call in sick, people are going to go to emergency rooms, and in the end, the burden will be placed on Suffolk County. So that is a very quick overview of eight hours of testimony and our findings, some of my colleagues may want to add a little bit, and you may have some questions, but we are urging you to adopt.

IR 53•2004, which has been introduced, laid before, you'll be voting on it at your next session, which asks you to oppose all of these gubernatorial cuts.

**LEG. VILORIA•FISHER:**

Thank you.

**MS. KESHNER:**

I'd just like to clarify something that Mr. Koubek was saying, which is that the full family sanctions would not result in a reduction in the welfare grant for needy families, it would result in an elimination of the grant, a complete elimination of the grant and ••

**LEG. VILORIA•FISHER:**

Introduce yourself.

**MS. KESHNER:**

My name is her Cheryl Keshner, from Nassau•Suffolk Law Services. I work with many families who are impacted by various types of sanctions on a daily basis and have been doing this for •• I've been with Law Services for ten years, so I'm quite familiar with the problem. And the sanctions have a devastating impact on families and often result in them becoming homeless. If they have absolutely no benefits, the impact will be even more devastating. You know, we can't •• it is completely immoral, in my opinion, to sanction children for mistakes which may have been made by their parents. So we are asking to you please take a stand on this.

**LEG. VILORIA•FISHER:**

Thank you, Cheryl. Judith, can you introduce •• just introduce yourself, since you're sitting here. Did you say your name on the record?

**MS. KESHNER:**

I did already.

**MR. KOUBEK:**

Yes, she did.

**LEG. VILORIA • FISHER:**

I'm sorry, I missed it.

**MR. KOUBEK:**

Okay.

**P.O. CARACAPPA:**

Okay. Thank you so much.

**MR. KOUBEK:**

Thank you. And again, when you convene on the 22nd, we urge you to support this introductory resolution. Thank you.

**P.O. CARACAPPA:**

Thank you very, very much.

***(Applause)***

We're going to go to the public portion. Keep in mind, you have three minutes to conclude your statements. As you could see, there's a lot of speakers here today. I, as Presiding Officer, always like to take the opportunity to ask the public who are here on •• if you're hearing numbers on one specific item, if you want to designate a spokesperson to speak, one or two of you, on behalf of all of you and then have you stand while that statement is being ready, it would be appreciated. Of course, you don't have to do that. It's just a thought and, hopefully, you'll consider it. Again, three minutes per. It's not a question and answer. First speaker is Patrick Young.



**MR. YOUNG:**

Mr. Caracappa gave a moving tribute to the late President Ronald Reagan. I want to speak about a bill that Ronald Reagan would be opposed to, Sense Resolution 42.

Ronald Reagan dealt with undocumented immigration to our country, not through deportation, in fact, he deported fewer people than any recent American President. In his humanity, he dealt with undocumented immigration through the largest amnesty in American history, and President Bush echoed his sentiments in January when he noted that undocumented workers walk mile after mile through the heat of the day and the cold of the night, and he told the American people that they come here not to take jobs, not to go on welfare, but to contribute to America and to help build our economy and our country.

During the 1990's, every year, as the weather warmed here, the Legislature would introduce some new anti-Latino or anti-immigrant piece of legislation. We saw English-only bills being proposed, we saw bills tying immigrants to crime waves and increases in crime, and, of course, we know that Long Island is now the safest metropolitan area in the country. As immigration has gone up, Long Island has become safer. We saw bills against hiring halls, and we've seen one bill after another, and basically, the message that always came through was Latino's and immigrants aren't wanted here in Suffolk County. We saw an end to those bills, I remember, in 2001, when one Legislator, who's now retired, stated that if Mexican immigrants came to his community, he would meet them with baseball bats. And it seemed that calmed the Legislature down for just a little while. We didn't have bills come up again.

This bill that's currently before the Legislature is a poorly thought out resolution that has no practical impact whatsoever. You may think this is a well researched bill. As you probably are aware, it's addressed to the Commissioner of the Immigration and Naturalization Service, and I'd just like to note that the Immigration and Naturalization Service hasn't even existed for the last 14 months.

This bill isn't designed to accomplish anything, it's just designed to tell immigrants that they're not welcome here and they should go home.

I just want to quote from President Bush in his January speech. He said that immigrants who come here are workers who seek only to earn a living, but they end up in the shadows of the



American dream, fearful, often abused and exploited. When they're victimized by crime, they're afraid to call the police or seek recourse in the legal system. They're cut off from their families far away, fearing that if they leave our country to visit relatives back home, they might never be able to return to their jobs. "The situation I described is wrong," said Bush. "It is not the American Way." Out of common sense and fairness, our laws should allow willing workers to enter our country and fill jobs that Americans are not filling.

**D.P.O. CARPENTER:**

Please, sum up.

**MR. YOUNG:**

We must make our immigration laws more rational.

**D.P.O. CARPENTER:**

Thank you.

**MR. YOUNG:**

Thank you.

***(Applause)***

**D.P.O. CARPENTER:**

Next speaker, James McAsey, followed by Sonia Palacio•Grattola.

**MR. MC ASEY:**

Good morning. My name is Jim and I'm here representing Long Island Jobs with Justice. We're a coalition of unions, civic based organizations, the religious community, and student youth organizations. Our mission is to build solidarity for the purpose of taking direct action to promote freedom and defend justice. We work very closely with immigrant community, and we view this sense resolution to be nonsense. Not only is it nonsense, but it is a racist insult and a slap in the face to the most oppressed in our community. But this doesn't just oppress immigrants, but all of us. We, at Jobs for Justice, believe that no one is free while others are oppressed.

Ladies and Gentlemen, as you can see, this community will not quietly sit by unless you pass ••

and let you pass this resolution. No human being is illegal. Thank you.

***(Applause)***

**D.P.O. CARPENTER:**

Thank you. Sonia. And on deck, we have Sharon Leher.

**MS. PALACIO • GRATTOLA:**

I have a copy for everyone on the Legislature. I thought he called Sonia. Who did you call next?

**D.P.O. CARPENTER:**

Sonia, you're up, and then Sharon is next.

**MS. PALACIO • GRATTOLA:**

Good morning. Thank you for this time. I stand here •• my name is Sonia Palacio • Grattola, Certified Social Worker and community activist, speaking on behalf laugh of the Coalition for English Plus. I speak against Legislator Caracciolo's resolution requesting federal government enforcement of immigration laws.

This legislation will have a negative impact on people's perception of this resolution. The resolution makes a statement that people from different countries are not welcome here. It appears it is aimed at the Latino community. And guess what, it's racist and discriminatory. This resolution creates a class of victims that will be afraid to report sexual and physical abuse, that will be afraid to report acts of violence due to fear of being identified. Do we want that? If your child is in an accident, don't you want an immigrant to come up and report and tell the people what they've seen?

This resolution panders to hate groups and the right wing radicals, such as the flier that I've attached that says, "letstakebackamerica.com", asking people to speak here in favor of this bill. These are people from all over the country that are hate groups. If you look at that website, it's really •• it's really appalling.

We are not already known for being •• we are not already known for being the most racist

county in New York, and also the most segregated. We are the County of the infamous town, Farmingville, that gave birth to the documentary movie "Farmingville", winner of the Sundance Film Festival, a documentary based on day•laborers from Mexico and that hiring hall. Are you ready to take the responsibility for more hate crimes? A bill like this will generate that, even though it's only a resolution. What is printed in the paper and what people read and what our neighbors read are hate mongering against immigrants. Please, defeat this resolution again.

As a coalition, we support Legislator Montano's Introductory Resolution 1223, to adopt the redistricting plan. Please, consider that at the next Legislature.

And I want to speak in opposition to Governor Pataki's welfare and health care cuts. As a social worker, I understand the devastating effect those cuts will have on our children. Children will suffer with the reduction of TANF grants, Family Health Plus, and Medicaid coverage. Thank you for the time at this microphone. Thank you all.

***(Applause)***

**D.P.O. CARPENTER:**

Thank you, Sonia. Sharon Lehrer. And on deck is Carol Miller. You have three minutes.

**MS. LEHRER:**

Good morning. My name is Sharon Lehrer. I reside at 38 Pinewood Drive in Commack. Once again, I find myself pleading my case, referring to the exacerbating noise situation in our Commack community.

To refresh your memory, we are the community that cannot use our backyards, or we cannot open the windows due to the cars, tractor trailers, and motorcycles that are racing down Motor Parkway. It hurts our families' ears to be outside of our homes, not to mention the fumes and the safety issues at hand.

Obviously, last month you thought the problem was important enough to vote unanimously for our study to be conducted. Please, continue to support us, please. Hopefully, a study will be conducted and it will show a noise decibel problem.

We are very open to different solutions to this problem. For example, some sort of berm, which

would not •• which would not only help the noise situation, but even possibly beautify the County Road, Motor Parkway. We understand that the County's budget is tight, but please understand that this is an intolerable situation and is ruining our Commack community.

Mr. Crecca has been very helpful and supportive. Thank you very much. And with our situation, and we hope you can find it in your hearts and your budget to reinstate our proposal for a study and/or barrier. Thank you applause.

***(Applause)***

**D.P.O. CARPENTER:**

Thank you very much. Carol Miller.

**MS. MILLER:**

Hi. I'd like to have somebody hand these out to you when they get a chance. I'm back here today to ask for your help again in my community's quality of life. I would like to see your name supporting us. I am counting on your support, because my community wants what all communities do, quality of life, kids playing outside in their yards, lasting friendships, so much more.

I have a petition here supporting our goal. Deepdale drive, Pinewood Drive, Acorn Lane, Horseshoe Lane, Melwood Drive, Shinbone Lane, Florida, Bambi are a few of the blocks that have signed this petition. All were happy when the Legislature voted and gave us the money for the noise study, then it was taken away. How could that be possible? You voted together unanimously. Well, it was and it did, it was taken away.

I'm asking you to please think of my neighbors as you would your neighbors and your family and help us once again. The parkway is ruining my neighborhood. We have people who move because of noise, not because of bad schools or drugs, but because of noise. We have neighbors that put "For Sale" signs in their yards after living there for a year, ten years, because of noise. You helped change that. A lot of those signs came down and people started to connect when we thought that the noise study would go through. Now people are in confusion. They don't know what's going on. We're turning to you for your help.

The funding is very important. It's helpful to our community. We want what every other community in Long Island wants. We want a neighborhood where we know each other, where our children can play together, where we can just open a bedroom window and take that for granted without having to cringe every time you hear something barreling down in your neighborhood. And I'm not just speaking for the people who live on the road, I have my neighbors here who do not live near the road and it is affecting their quality of life. So, I am begging you, please, consider my community your community and just do what we think is a reasonable request, to just give us the quality of life and a commitment that we can all stay together as one neighborhood. I thank you for your time.

**D.P.O. CARPENTER:**

Thank you very much.

***(Applause)***

Next speaker, Carmen Maquilon. And after Carmen will be Manny Martinez.

**MS. MAQUILON:**

Good morning. And I will be speaking against the Sense Resolution. My name is Carmen Maquilon and I am the Director of Immigrant Services at Catholic Charities, Diocese of Rockville Centre, an accredited agency for more than 25 years by the United States Citizenship and Immigration Services and the Federal Board of Immigration Appeals. Our office represents more than 10,000 immigrants, half of which reside in Suffolk County with their families, many of them United States citizens. We know this, because during the past three years, our office has held over 26,100 of them to register as new voters. These immigrants are hard•working, contributing members of this County.

As acknowledged by President Bush six months ago in his press conference of January 7th, 2004 that reads, quote, "As a nation that values immigration and depends on immigration, we should have immigration laws that work and make us proud, yet today we do not. Instead, we see many employers turning to the illegal labor market and hard•working men and women condemned to fear and insecurity in a massive undocumented economy. The system is not working. Our nation needs an immigration system that serves the American economy and reflects the American dream," end of quote.

The Catholic Bishops recognize the right and responsibility of the United States to control their borders and to ensure the security interests of their citizens. We at Catholic Charities who serve immigrants do not accept, however, some of the nonsense resolutions, policies, and tactics that our local governments, guided by individuals with misperceptions and sinophobic attitudes contribute to an atmosphere in which the undocumented are discriminated and abused. I do hope that our Legislators here present bring the positive leadership that this County desperately needs by voting against this resolution. Thank you.

***(Applause)***

**D.P.O. CARPENTER:**

Manny Martinez, followed by Angelina Martinez.

**MR. MARTINEZ:**

Good morning, Legislators and honorable guests. My name is Manny Martinez. I represent or I am a member of the Long Island Hispanic Chamber of Commerce. I'm also the president of Utopia Home Care, serving Nassau and Suffolk County.

As a businessman, I come to speak against the resolution to enforce the national immigration laws. The enforcement of the national immigration laws is exclusively the responsibility of our federal government, and for that reason alone it should never have been written. However, the resolution does note another reason as to why it was written. It is directed to all Hispanics, implied not only to those in Suffolk County, but to the entire nation and across the globe.

Currently, there are approximately 39 million Hispanics in this country. There are 1.2 million Hispanic businesses across the nation, and, as we all know, the second language spoken in America is the Spanish language. So, what are we doing here today in this Legislative chamber?

A few years ago in this chamber, I can recall an attempt being made to force the English Only Bill upon Hispanic people three times already. I thought that was ludicrous, but pleased to learn that the bill was defeated three times, yet you continue to pry on this population.

Do you wish to promote hate on all Hispanics? There is a war going on. Isn't that enough? Look to the future and ask yourself, do you really want to promote hatred and bigotry among a growing population? What fears do you have?

The resolution refers to the following: Immigrants come to this country to seek work and not to pay taxes. Two, some employees and employers do not pay taxes while others do. Three, the new hiring halls should teach the workers the art of payroll deductions, as I understand.

To answer these resolutions, glib statements, I submit to you the following:

Hispanic immigrants come to America to learn English, find jobs, become citizens, and get an education, like all the previous immigrants before us, no more, no less. To think otherwise is naivete. However, in the process thereof, it will take much time and great effort on everyone's part to help the immigrants, especially so to the one who wrote this resolution. If we had the patience for our previous immigrants, we should show the same patience to our new immigrants friends.

Two, as for the employee and employers who do not pay taxes, isn't this a win•win situation that gradually aligns itself with the mainstream until all pay and taxes eventually take place? And that has been the case in the previous immigrants?

Three, it was a difficult process to establish the hiring halls alone, which main functions were to get the workers off the streets. Do I understand that you want to turn the hiring halls into a governmental agency to further bog down the distribution ••

**D.P.O. CARPENTER:**

Please, sum up.

**MR. MARTINEZ:**

•• of workers in order to teach them the payroll deduction system? This is absurd. Hiring halls provide the necessary social skills to quickly align the workers as they are picked up and oftentimes take place the same day and within hours. In conclusion ••

**D.P.O. CARPENTER:**

Excuse me, Manny, if you could please sign up •• sum up, thank you.

**MR. MARTINEZ:**

Can I wrap it up?

**D.P.O. CARPENTER:**

Please.

**MR. MARTINEZ:**

Okay. In conclusion, it is a mockery to both the Legislative and the governmental process, as well as to our Hispanic population, that we address this resolution today. For your information, Hispanics have already proven themselves across the nation of ours. Why then do we begrudge them here in Suffolk County? Look to the future where commerce with Central America and is becoming more eminent. These people hope that they can emulate us in every way. Is this your answer to that prospect?

**D.P.O. CARPENTER:**

Thank you.

***(Applause)***

**MR. MARTINEZ:**

That's it?

**D.P.O. CARPENTER:**

Thank you.

**MR. MARTINEZ:**

Thank you.

**D.P.O. CARPENTER:**

I did give you a little latitude. Angelina Martinez, followed by Jared Feuer.

**MS. MARTINEZ:**

Hello. My name is Miss Ayala and I'm here to speak for Angelina Martinez, who's not present.



On behalf of the National ••

**P.O. CARACAPPA:**

Ma'am. Ma'am, if she's not here, you filled out you're own card?

**MS. AYALA:**

I was just •• they asked me to sort of speak ••

**P.O. CARACAPPA:**

That's not how the rules of the Legislature work.

**MS. AYALA:**

Okay, fine.

**P.O. CARACAPPA:**

Thank you.

**MS. AYALA:**

We'll just hand it out to you.

**P.O. CARACAPPA:**

Okay. That was for •• that was Miss Martinez?

**MS. AYALA:**

Yes.

**P.O. CARACAPPA:**

Jared Feuer? Feuer? I'm sorry.

**MR. FEUER:**

Feuer.

**P.O. CARACAPPA:**

Feuer.

**MR. FEUER:**

I wrote it phonetically. Members of the Legislature, my name is Jared Feuer, and I am the Executive Director of the Suffolk Office of the New York Civil Liberties Union. I am here to make a statement against Sense Resolution Number 42, which, quote, requests that the federal government enforce immigration laws. This resolution puts forth an argument that immigrants in our County and in our state are not paying taxes, and as a result, place an undue burden on those who, quote, pay their fair share. The resolution does not address others who avoid paying taxes, creating the impression that tax avoidance is a territory of immigrants only. This resolution singles out immigrants for criticism. The question is why?

There are three concerns that the Suffolk NYCLU has with this resolution. The first is simply factual. The average immigrant contributes 1,800 more in taxes a year than he or she receives in benefits and services provided by the government. The total net benefit, as defined as taxes paid over benefits received, to the Social Security system in today's dollars from continuing current levels of immigration is nearly 500 billion for the 1998 to 2022 year period, and nearly 2 trillion for the next 70 years. Twenty of the 30 jobs that the Department of Labor has projected as having the highest projected job growth in the next 10 years are unskilled and semiskilled occupations. And, as the baby•boomers age, demand will increase for essential workers, like those in health services, while growth in the workforce is expected to slow to only .4% per year. Barring unforeseen increases in immigration, there will be a massive reduction in the total size of the nation's workforce. That is a fact. As a result, even Alan Greenspan has asked Congress to look at reexamining our nation's immigration policies.

Some other statistics that are particularly relevant, especially during this time, more than 60,000 immigrants currently serve on active duty in the U.S. Armed Forces, and immigrants make up nearly 5% of all unlisted personnel on active duty. What message are we sending them with this resolution?

Furthermore, in the next decade, the number of voting age Latinos will rise nationwide by 47%. Latinos, as a percentage of the voters nationwide, has risen from 5% to 7% in the past four years.

The second concern of the Suffolk NYCLU with Resolution 42 is that it performs a de facto endorsement of current immigration law. Our immigration system is broken, because it is

increasingly disconnected from our nation's values and economic realities. It keeps families of U.S. citizens and legal permanent residents separated for many years, and meets neither our security, nor our economic needs. Tax-paying workers who contribute to our economy lack legal channels to obtain proper documentation and are forced to live underground. Without access to proper channels, smugglers and counterfeiters profit from undocumented workers, and people are forced to live in undocumented underground existence, hiding from the government for fear of being separated from their families and their jobs.

The current enforcement system fails to prevent illegality, and precious resources should be spent on enhancing our security •• that should be spent on enhancing our security are wasted on stopping hard-working people.

If we pass this resolution, then we will also touch upon the Suffolk NYCLU spirit concern, since resolutions carry •• do not carry the force of law, they carry the force of sentiment. The Suffolk County Legislature is a moral force in our society. You are our civic government and your statements carry great weight. When you pass a resolution that only offers a fist without offering a hand, you are telling the tens of thousands of recent immigrants right here in our home that they are unwanted.

**P.O. CARACAPPA:**

Mr. Feuer.

**MR. FEUER:**

That one-sidedness is a stark statement ••

**P.O. CARACAPPA:**

Please, sum up.

**MR. FEUER:**

•• and you are using your moral authority, which is perhaps your greatest asset, to endorse intolerance.

**P.O. CARACAPPA:**

Thank you.

**MR. FEUER:**

Please, do not do so.

***(Applause)***

**P.O. CARACAPPA:**

Jack Caffey, followed by Ray Kohlberg.

**MR. CAFFEY:**

Good morning, Presiding Officer Caracappa and other Legislators. My name is Jack Caffey. I'm the President of the Long Island Federation of Labor, AFL/CIO, representing 250,000 working families on Long Island. I'm here to talk about amending the 2004 Capital Program and Budget, appropriating funds to provide the common sense responsible plan for long-term cost avoidance and infrastructure investment. I believe that in the •• it is crucial to the resolution to be approved to ensure the necessary and the time sensitive capital projects to move forward in Suffolk County. To eliminate a delayed project, which has already been approved in 2004 Capital Budget, and have thereby been identified as essential by the County would certainly be less than practical.

While I understand the desire to find money to help offset the cost of an enormous mandate jail project and impose unfunded mandates, the derailment of the approved anticipated projects would have a wide reaching negative impact on Long Island and the workforce and the residents of this County. Projects such as those that seek to fund through this resolution not only addresses the vital public safety concerns, but also help to provide the crucial services to our County. In saying that, there are public employees that work in this building every single day and have to endure eight hours of work where the public comes and goes. These buildings are crumbling.

Do not bring Nassau County to Suffolk County. What's going on in Nassau County is because of the deprivation of the work that needed to be done in these particular buildings, and having the public employees endure this kind of condition. The public employees don't have the right like the private sector does in the rules and regulations of the law that are set forth in this country, they have to endure those particular substances that happen in those particular buildings.

These projects will provide much needed shot in the arm to our local workforce and economy. I believe that the failure to move forward in these projects will result in substantially greater long term costs and infrastructure investment. I urge you on behalf of the Long Island workers and residents to appropriate the funding for these important projects.

I want to commend the Legislature for having the foresight to improve the conditions of the public buildings and to create needed jobs now. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Jack. Ray Kohlberg. Good morning. My name is Ray Kohlberg. I'm a Business Agent and Legislative Director for the Communication Workers of America, CWA Local 1104. I'm here this morning on behalf of my members that live in Suffolk County to support I.R. 1561, the Capital Budget.

Jack just explained to you a lot of the things that we support with this, but we have •• we have unionized workers that are out of the work and we need this work now. And I urge all you Legislators in a bipartisan method to sign on to this and support this bill for the good of Suffolk County. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Maureen Sass. Maureen Sass. Thank you.

**MS. SASS:**

Good morning. My name is Maureen Sass, and as they spoke before, we •• I live on Deepdale Drive, and the noise on Deepdale Drive caused by Motor Parkway is just excruciating. I have three small children who they can barely play outside, because of the noise of the tractor trailers and all the cars racing and beeping, and all the other things going on. They can't even sleep. My boys can't even sleep at night with their windows open, because the noise is so

unbearable. So, please, you passed it once before, please pass it again, so my children can play, and all of their children can play, and we can have our nice community back.

We have •• we have neighbors who just moved in from Queens, and as we know, Queens is a pretty loud neighborhood, and they said the noise is louder than where they lived in Queens. So, you know, the people want to come in, they come in and they live there for three months, four months and they want to sell again, so we want our neighborhood back. So, please, pass again. Once again, thank you, Mr. Crecca, for your support.

**LEG. CRECCA:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Yeah. We have a lot of speakers here on this. We've obviously had this issue before us a number of times. What I would ask is that you take it out of order to expedite things and we vote now regarding the override. I don't know if I need to make a motion, Counsel, or ••

**P.O. CARACAPPA:**

Yes. There's a motion by Legislator Crecca to take the override on Resolution Number 526 •2004, which was Introductory Resolution 1378, out of order. I ask all Legislators to report to the horseshoe. All in favor? Opposed? Abstentions? It is now before us. Madam Clerk, are you prepared to take the vote?

**MS. JULIUS:**

What's the I.R. number, Mr. Chairman.

**P.O. CARACAPPA:**

It's a veto override on 526, which was •• the Introductory Resolution number was 1378. There's a motion by Legislator Crecca to override the veto on 526, second by Legislator Alden. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CRECCA:**

Yes to override.

**LEG. ALDEN:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes to override.

**LEG. VILORIA • FISHER:**

Pass.

**LEG. LOSQUADRO:**

Yes to override.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Yes to override.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Absolutely, yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. MONTANO:**

Yes.

**MR. BARTON:**

18.

**LEG. ALDEN:**

Congratulations.

**P.O. CARACAPPA:**



The veto is overridden.

***(Applause)***

Are there any other motions to take ••

**MS. SASS:**

Thank you.

**P.O. CARACAPPA:**

You're welcome. Good luck. Any other motions to take anything out of order while we're doing it at this point in time? Okay. Going back to the public portion. Next speaker is Under•Sheriff Donald Sullivan.

**UNDER•SHERIFF SULLIVAN:**

Good morning, Ladies and Gentlemen. First of all, my comments are with regard to 1561, the 2004 Capital Budget amendment. We'd be remiss if the first thing we didn't do was to say thank you to all of the hard work that went in in this body, just in the last couple of months, but, actually, over the last two years. Thank you very much. I'll anticipate saying thank you that the bill will go forward, because this bill has such impact on the new jail project.

It came to our attention just yesterday afternoon that the proposal had reduced the amount by about 25 million dollars over two periods of time and we were asked our opinion. We actually don't have an opinion. We don't know what the new jail will cost. We haven't started the planning yet, and it would be premature to talk about a precise number with that kind of precision at this moment. We hope heartily that the Legislature's sense is right and that it costs less than some of the predictions.

We are anxiously awaiting the planning process to go forward. As of yet, the planning contract has not been signed, and the deadlines set by the State of New York, I believe, is the third week in July, so there is not a lot of time left for us to move forward.

I wanted to make one other comment, which I think is important to say in public and on the record. Two other counties have made terrible mistakes during the planning process of other large new jail projects. It happened in Orange County and Onondaga County. They did not

keep in touch with the New York State Commission of Corrections in an ongoing basis, and after very extensive and very expensive planning sequences to the tune of millions of dollars, they dropped plans on the State's table, which were rejected, which cost untold amounts of money in delay and replanning, and more political turmoil.

We urge all of the constituencies involved in this huge capital project, ourselves, the Legislature, DPW, BRO, the County Executive's Office, when the planning process begins, hopefully very soon, we must all stay in close touch on a topic•by•topic basis with the Commission of Corrections, because if those folks don't say okay at the end of the day, we're back to square one. Again, thank you very much for all your fine work. Thank you.

**P.O. CARACAPPA:**

Thank you, Under•Sheriff Sullivan, we appreciate it. Next speaker is Lisa Tyson, followed by Wendy Drillings.

**MS. TYSON:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MS. TYSON:**

I'm with the Long Island Progressive Coalition, the Director, and we are here for two things. First is Sense Resolution Number 42. Basically, we believe the Sense Resolution makes no sense whatsoever, and it's really just putting a line in the sand of hatred for immigrants. And we're very upset and embarrassed if this County was to enact such a Sense Resolution, which makes no sense.

I mean, when you look at the immigrant who comes here to work to bring money back to their family, these men are doing things, sacrificing their whole life for their family. And so what this Sense Resolution is doing is this is really kicking them in face, and it is just really inappropriate for this County to do such a thing, so we expect you not to pass this resolution.

And now, also, to speak about the Suffolk County Jail. We are coming here today with a

message from Ulster County. There was just a message from two other counties. Their planning process did not go correctly with the jail. In Ulster County, Legislator Richard Parete says, "It's a catastrophic failure of leadership and the public deserves better." Legislator Peter Kraft urges Suffolk to move cautiously with their plans. "We made the mistake of not examining the alternatives to construction and of moving forward with a massive jail project that has cost taxpayers millions of dollars." Where is the accountability in that.

Many have claimed that we need a new Yaphank Jail because of the structural decay, the bad conditions. We agree, there are bad conditions, they need to be made better. The need for renovations does not create the need for an eleven•hundred and thirty bed jail, and a 200 million dollar facility. There is a better way and we expect for this Legislature and this County to look at all efficiencies within this system, as well as alternatives to incarceration. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Ms. Tyson. Wendy Drillings.

**MS. DRILLINGS:**

Good morning. My name is Wendy Drillings, and I thank you for this opportunity to speak in support of Intro Resolution Number 1440. I spoke before you last month, and I am here today because I feel it is critical for me to share my personal experience with you in the hopes of giving you a better understanding of the urgent need to place AEDs in all health clubs. On May 25th, 2001, my husband Joel Drillings died from cardiac arrest. Joel had gone to work that morning, and after work, planned on working out at his health club as he did several days a week. While exercising at the gym, his heart went into ventricular fibrillations. Although EMS was called and an AED was used when they arrived, it was not soon enough.

As I have come to learn, unless cardiac arrest is treated within minutes, the person will die. Time is of the essence during cardiac arrest. Survival rate is as high as 90% if a person is defibrillated within the first minute. The only way this can happen is if a defibrillator is immediately available. I cannot stress this point enough with regard to the need for this legislation. Imagine you are exercising at a health club or gym and your heart goes into cardiac arrest. Given a choice of having an AED on site with staff trained in its usage or waiting for a

defibrillator to arrive with EMS, what would you want? I know what I would want for myself.

Last month someone speaking here on behalf of health club owners stated that people who go to gyms are healthy, so it isn't necessary to have AEDs in gyms. Not only is this untrue because people who suffer from cardiac arrest often have no warning signs or knowledge of heart disease, but as it is written in your legislation, it has been shown that although exercise keeps your heart healthy, it also increases your risk of dying by 17% as compared to times of no exertion. So, yes, gyms and health clubs need AEDS.

The concern of legal liability was also raised as a reason not to pass Intro 1440, but individuals, organizations and businesses that make a good faith effort to provide urgently needed medical attention are protected under the law. According to what is sometimes referred to as the Good Samaritan Law, any person who voluntarily and without expectation of monetary award provides emergency treatment, he or she is not liable for damages for harm alleged to have occurred unless it is shown that he or she is guilty of gross negligence.

The sudden loss of my husband created an enormous void in my life. I expected to see my husband walk through the door of our home that evening. I expected to live a long life with him. In an instant, my whole life changed. In a moment, I went from being happily married to a wonderful man to being widowed and trying to accept the reality of his death. Behind each statistic is a real person, someone who was loved and who loved, who touched other people's lives, and who had dreams still to live out. My husband was no exception. He touched the lives of his family members and friends and thousands of students over his thirty•one year teaching career. To Joel, his death meant that the plans and hopes he had not yet fulfilled never would happen. No more birthdays, graduations anniversaries, no more vacations or holiday dinners and never getting to grow old together.

All these milestones and more will be missed because his live life was cut short. Joel was an active member of the volunteer fire department of our community and, in fact had been certified in both CPR and AED training. He recognized the importance of proper AED usage and training. How ironic that at the time he needed this type of help, the system failed him. The passage of Intro Resolution Number 1440 will ensure that emergencies can be dealt with while waiting for EMS to arrive.

The technology is already available. The equipment costs are minimal in comparison to the cost of losing a husband, father, friend and dedicated teacher. How gyms and other public spaces are not required to have this type of life saving equipment and people trained in their use is difficult to understand. Sudden cardiac arrest is a top killer of Americans. In my opinion, it is essential that everything be in place to ensure the best chance of survival for anyone who suffers a cardiac arrest. Had his health club had an AED and a trained operator, Joel could have survived, and he would be here testifying in support of this lifesaving law.

There is a lot more that health clubs can do than simply call 911. I have long been concerned by what I see as a lack of preparedness by gyms and their staff to handle medical emergencies. In my experience, most health club staff is unaware of the American Heart Association recommendations, and they have no written medical emergency response plans in place. This legislation would change that and we will all benefit as a result. What I want to impress upon you today is that a timely use of an AED can save lives. Joel's death could have been prevented. I am here to ask you to support Intro Resolution 1440. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Ms. Drillings. George Rosales.

**LEG. VILORIA•FISHER:**

Mr. Chairman, before we go to the next speaker.

**P.O. CARACAPPA:**

Yes. I'd like to recognize Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

I'd like to take Sense 42 out of order to make a motion to approve in order to defeat it.

**P.O. CARACAPPA:**

Okay. There's a motion to take Sense 42 ••

***(Applause)***

**P.O. CARACAPPA:**

•• out of order.

**LEG. COOPER:**

Second the motion.

**P.O. CARACAPPA:**

There's a motion to take Sense 42 out of order by Legislator Vilorio•Fisher, second by Legislator Montano.

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion to take out of order, Legislator Alden.

**LEG. ALDEN:**

Are there more cards to speak on this issue?

**P.O. CARACAPPA:**

A tremendous amount of cards.

**LEG. ALDEN:**

I dont' think we should cut off debate. Let the people speak.

**P.O. CARACAPPA:**

Okay. There's a motion. I'd ask all Legislators report to the horseshoe.

**LEG. BINDER:**

On which?

**P.O. CARACAPPA:**

Sense 42. There's a motion and a second.

**LEG. VILORIA • FISHER:**

On the motion, Mr. Chair.

**P.O. CARACAPPA:**

To take out of order.

**LEG. VILORIA • FISHER:**

To take out of order. There are many, many people here in this auditorium who are waiting to see how the Legislature stands in this position. I believe they would want to go about the rest of their day, go to their jobs ••

**LEG. TONNA:**

Absolutely.

**LEG. VILORIA • FISHER:**

•• and continue with their lives. We here as a Legislature know how we feel about this Sense Resolution, and I believe that we should go to a vote.

***(Applause)***

**LEG. TONNA:**

Yes. Legislator Caracappa.

**P.O. CARACAPPA:**

I recognize Legislator Tonna.

**LEG. TONNA:**

Yeah. Let's get this thing over with. Let's vote and get this thing over with, please.

**P.O. CARACAPPA:**

There's a motion to take out of order and a second. All in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**LEG. CARACCILO:**

On the motion, motion to table. And I'll explain why, Mr. Chairman.

**LEG. ALDEN:**

Second the motion to table.

**P.O. CARACAPPA:**

It has to be before us to take it •• to table it.

**LEG. TONNA:**

Yeah, you can't ••

**P.O. CARACAPPA:**

Yeah.

**LEG. CARACCILO:**

This is just a motion to take out of order.

**P.O. CARACAPPA:**

Correct.

**LEG. CARACCILO:**

Okay.

**P.O. CARACAPPA:**

There's a motion to take out of order and a second. All in favor?

**LEG. CARACCILO:**

On the motion.

**P.O. CARACAPPA:**

On the motion to take out of order, Legislator Caracciolo.



**LEG. CARACCILOLO:**

Yes, Mr. Chairman. I think it's quite apparent that today we have in the audience one group of •• some are residents, some are not, of Suffolk County who are here to speak in opposition, and we've heard from them loud and clear. I would like the opportunity, between now and the meeting of the 22nd, to bring those in support. Had I known that this was going to be the result today, we would have had a thousand people here.

**LEG. TONNA:**

Mr. Chairman, I want to be recognized.

**LEG. CARACCILOLO:**

So ••

**LEG. TONNA:**

Put me on the list.

**LEG. CARACCILOLO:**

Well ••

**P.O. CARACAPPA:**

I'd ask that no one, please ••

**LEG. TONNA:**

Put me on the list.

**P.O. CARACAPPA:**

Please, no one call out from the audience. And, Legislators, if you just want to be put on the list, all you have to do is ask. Legislator ••

**LEG. TONNA:**

Tonna.

**P.O. CARACAPPA:**

•• Tonna, I'll put you on the list.

**LEG. CARACCILO:**

So, Mr. Chairman ••

**LEG. VILORIA • FISHER:**

Mr. Chair.

**LEG. CARACCILO:**

•• I am in opposition to taking the motion out of •• the resolution out of order, unless there is agreement to table that resolution once it's out of order.

**LEG. TONNA:**

No.

**LEG. CARACCILO:**

Well, that's your opinion, Paul.

**LEG. TONNA:**

Yeah. Well, that's why •• this is why it's America.

**P.O. CARACAPPA:**

Legislator ••

**LEG. TONNA:**

You could have an opinion, I can have an opinion.

**LEG. CARACCILO:**

That's right.

**P.O. CARACAPPA:**

Legislator Caracciolo, are you finished?

**LEG. CARACCILO:**

Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

On the motion, Legislator Tonna.

**LEG. TONNA:**

Thank you very much. Just a few things. First of all, in regard to Legislator Caracciolo's comment about people in or out of Suffolk County, the fact is this is a resolution that talks about petitioning the federal government. So, I'd have no problem, to tell you quite honestly, because this piece of legislation, although it has no force of law, and for me is just •• this is really a resolution that is just going to stir controversy, okay, because it has no force of law. We know that the federal government right now is even considering saying their own laws need to be changed. A Republican President has said it, Democratic support. Everybody in the country knows that these laws need to be changed. This ••

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

This •• wait, let me just finish.

***(Applause)***

**P.O. CARACAPPA:**

Just this is a motion to take out of order.

**LEG. TONNA:**

I know, but this is why I don't think it •• I think it should be taken out of order and voted on today. It's germane to this. It's germane ••

**P.O. CARACAPPA:**

On the merits of the bill, I'd ask that you ••

**LEG. TONNA:**

No.

**P.O. CARACAPPA:**

•• debate that on the bill.

**LEG. TONNA:**

It's germane to why it should be voted on; okay?

**P.O. CARACAPPA:**

Proceed, proceed.

**LEG. TONNA:**

So, what I'm suggesting is, is that it should be done today, because the people who feel strongest about the negative symbol that this bill gives are here today. These are working, hard working people who have taken time out of their schedule. Why do we need to take another day off and another day off? A day's pay is a lot.

***(Applause)***

To be able to use •• to be able to say that I can get 100 people or 200 people, or whoever, whatever else, we could all do that on any particular issue, but a bill like today is on the radar screen of those people to send a terrible message of •• and I think that we need to vote on it now. Vote on its own, and we need to defeat this bill. Thank you.

**[MALFUNCTION OF TAPE]**

**P.O. CARACAPPA:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

We need to move this bill today. It's clear what the motivation is behind this bill when the sponsor says that he wants to challenge the attendees who are here by bringing forth greater numbers at the next meeting. Do we need to foment this kind of negative controversy in our County? I believe not.

***(Applause)***

**LEG. VILORIA • FISHER:**

We should address this bill today as responsible Legislators, get it out of the way, and get it out of the minds and hearts of the people of Suffolk County. We don't need this kind of negative legislation.

***(Applause)***

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

Customarily, we don't stand when we speak, but I want to stand. I am an immigrant. I came here at the age of 18 as an immigrant. Thank you.

***(Applause)***

**LEG. VILORIA • FISHER:**

I am, too, and I'll stand with you.

**LEG. MYSTAL:**

Thank you.

***(Applause)***

**LEG. MYSTAL:**

This is the face of immigration, me. My mother, my sisters, my uncles, my aunt's, everybody I know is an immigrant. We came here to make a life. My brother is a doctor, my sister is a doctor, my son is a lawyer. I am an immigrant, and this bill is hatred.

***(Applause)***

**P.O. CARACAPPA:**

Legislator Montano.

**LEG. MONTANO:**

Let me stand with Legislator Mystal, Viloría•Fisher, and the rest of you. My family came here from Puerto Rico. We all came from somewhere else. The reality is that this bill has no legal significance, we understand that. But this bill has a history, it has a message, it's a message that this Legislature should defeat. Let's defeat it now. Let's take the motion. Pass the motion, defeat the bill. Let's get on with the real business of Suffolk County.

***(Applause)***

**P.O. CARACAPPA:**

Anybody else. Okay. There's a motion to take out of order. All in favor? Opposed? Abstentions? The bill is currently ••

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

•• before us.

**LEG. TONNA:**

I'll make a motion to approve ••

**LEG. CARACCILOLO:**

Motion to table.

**LEG. TONNA:**

•• for the purposes of defeating.

**LEG. CARACCILOLO:**

Motion to table.

**P.O. CARACAPPA:**

Legislator Viloría•Fisher ••

**LEG. VILORIA•FISHER:**

I made that motion.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

•• will make that motion.

**LEG. CARACCILO:**

Motion to table, Mr. Chairman.

**P.O. CARACAPPA:**

Just let me get the •• there's a motion ••

**LEG. TONNA:**

To approve.

**P.O. CARACAPPA:**

•• to approve for the purposes of defeating ••

**LEG. TONNA:**

Purposes of defeating it.

**P.O. CARACAPPA:**

•• by Legislator Vilorio•Fisher, Tonna, Montano. Motion to table by Legislator Caracciolo.

**LEG. CARACCILO:**

And on the motion, Mr. Chairman.

**LEG. TONNA:**

Is there a second?

**LEG. BINDER:**

Second.

**P.O. CARACAPPA:**

There's a second by Legislator Binder to table. On the motion, Legislator Caracciolo.

**LEG. CARACCILO:**

Yes. Let me just assure those who speak to representing those in the audience, you have an obligation to represent all of your constituents, as I do, and that's what I'm doing today. I have heard from scores of, not only my constituents, but constituent from throughout this County, from almost every Legislative district, since this resolution was introduced. And when I introduced it in its original form, it had a provision that pertained to hiring halls. And I agreed, after that resolution was defeated, at the request of six of my colleagues, that if this resolution were amended to delete reference to hiring halls, that they would support it. I would hope that those of you who said that meant it and will honor that commitment to your constituents, as well as mine. Thank you.

**LEG. TONNA:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Tonna, then Crecca.

**LEG. TONNA:**

Yeah. I'd like to address two or maybe three particular issues. First of all, I'd like to address issue of enforcement of laws. You know, it seems like an almost benign kind of pro forma resolution to just say we want the federal government to enforce its laws. I mean, that sounds reasonable, right? Well, the fact is, is that the history of the United States, there's been a lot of unjust laws, this being one of them. The fact is, is that the United States at a time had laws that legalized slavery. We don't •• we don't have to look too far in many of our pasts ••

***(Applause)***

•• to say that there are laws. You know, we needed a whole civil rights movement to say that there were laws that •• you know, that were particular, set up to be very prejudicial towards certain groups of people. And, again, although I'm sure that there are, and every Legislator here would agree, but I know that Legislator Caracciolo and I would agree that there are laws



on the books right now about innocent life, abortion laws, which I would say, you know, is absolutely wrong. I would even go so far to talk about the death penalty and say those laws are wrong. The fact is, is that just because there's a law on the book doesn't make it right.

The federal government, the President of the United States right now has addressed this issue to say that we need to change the laws. I'm not a Federal Legislator, that's why I haven't introduced legislation, or whatever else.

So, what is the real import of a bill like this? What I would say is that laws have sign value to them also, that when somebody puts a law on the book, they're saying, "This is a sense of the Legislature, this is what we feel on a local level." Well, I could say this. I don't want the enforcement of this law, because I think these laws are bad laws, they don't work.

The Farmingville community, communities in Huntington Station and other places, you know, they're subject to nonworking, nonenforceable and bad laws, that's what's giving us a problem. To create •• if anybody thinks, and the constituents, that people might come out and say, "Oh, yeah, I'm for the enforcement of these laws, they come out, they'll find out very simply that the idea, that somehow something significant here is happening with regard to changing something. The only thing that is significant about this bill is that it says to a large segment and a growing segment of the United States population that somehow they're not accepted, and that's wrong. And so I would ask my colleagues ••

***(Applause)***

I would ask my colleagues to please consider the sign value of a bill like this. We know it has no import. We know that nobody in the federal government is going to look at this thing. We know that they're trying to very •• you know, they're trying to deal with this, you know, and try to find some compromise, or whatever else, that's going to help our economy, to be able to help a group of people who are contributing an inordinate amount of time and energy, who are getting paid substandard wages to do work that a lot of people in this country wouldn't do. And so I would ask, if you really care about your constituency, all right, if you care about the people that you represent, then, very clearly, we don't need to enforce this law, we should have a resolution that says, "Hey, we support those in the federal government who are looking to make a workable law, a just law, one that respects ••

**(Applause)**

•• the human dignity of every single person. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Tonna. Legislator Crecca.

**LEG. CRECCA:**

Yeah. With all •• am I on? Hello. Yeah. With all due respect to my colleagues •• I don't think mike is on. Check.

**P.O. CARACAPPA:**

The mikes are •• something happened to them.

**LEG. CRECCA:**

With all due respect to my colleagues, I think we have to table this. There's been a change, a significant change, in one of the paragraphs. Rule 6B(2) requires that it has to be discharged from the Rules Committee. The bill that was discharged from the Rules Committee was significantly different, in my opinion, than the bill that is before us right now. And while the Seven Day Rule does not apply to sense resolutions, I think 6B(2) does apply, and I do not think that legally this bill, with all due respect, Legislator Caracciolo, is eligible for a vote at this time, so ••

**LEG. TONNA:**

Sue us.

**LEG. CRECCA:**

Legislator Tonna, I have a right to my opinion just like you do, too.

**LEG. TONNA:**

Absolutely.

**LEG. CRECCA:**

I just don't think it's eligible for a vote.

**P.O. CARACAPPA:**

Okay. Counsel, we would have to defer to you.

**LEG. CRECCA:**

He amended it.

**LEG. COOPER:**

Mr. Chair.

**LEG. CRECCA:**

He amended it.

**MS. KNAPP:**

Excuse me.

**P.O. CARACAPPA:**

Hold on. We have a ruling from Counsel coming.

**LEG. CRECCA:**

Point of order.

**MS. KNAPP:**

I would •• I would advise the Chair that there has not been a significant enough amendment, the "whereas" clause had been taken out, that it would not necessitate a recommitment to Rules, so however ••

**LEG. CRECCA:**

So, which bill are we voting on, the amended copy?

**P.O. CARACAPPA:**

The amended •• the amended version without the •• that final "whereas" clause.

**LEG. VILORIA • FISHER:**

Especially because it's a sense resolution.

**LEG. TONNA:**

So, that takes care of that.

**P.O. CARACAPPA:**

Legislator Cooper.

**LEG. COOPER:**

No, thank you.

**LEG. MYSTAL:**

Roll call.

**P.O. CARACAPPA:**

There's a •• well, there's a motion and a second to table, which takes precedence over approval. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

No.

**LEG. TONNA:**

No.

**LEG. MYSTAL:**

No.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

No.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes to table.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

No.

**MR. BARTON:**

Eight.

**LEG. TONNA:**

Thank you, Joe.

**P.O. CARACAPPA:**

Tabling fails. There's a motion to approve and a second. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. TONNA:**

No.

**LEG. VILORIA • FISHER:**

No.

**LEG. COOPER:**

No.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

No.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

Abstain.

**LEG. FOLEY:**

No.

**LEG. LOSQUADRO:**

Pass.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Abstain.

**P.O. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**MR. BARTON:**

Nine.

**P.O. CARACAPPA:**

The resolution fails.

***(Applause)***

Going back to the public portion. Next speaker is •• okay.

***(Applause)***

Ladies and Gentlemen, I'd ask that you file out in an orderly process, because we still have public speakers coming to the podium. So, if you could do it as quietly and orderly as possible, that would be certainly appreciated. Next speaker is George Rosales. Mr. Rosales, go ahead.

**MR. ROSALES:**

Sure. Good morning, members of the Legislature. My name is George Rosales. I'm Director of Advocacy for the American Heart Association. I'm here to speak in support of Intro 1440, a resolution to mandate the placement of automated ••

**P.O. CARACAPPA:**

Mr. Rosales, I'm going to stop you ••

**MR. ROSALES:**

Sure.



**P.O. CARACAPPA:**

•• out of respect to you as a speaker. I'm going to give you a minute for the auditorium to clear and for Legislators to settle back down.

**LEG. CRECCA:**

Motion for a five•minute recess.

**P.O. CARACAPPA:**

Out of respect to the speakers that are coming, they deserve the full attention of this Legislature, I'll entertain a five•minute recess, so we can gather ourselves.

***[THE MEETING WAS RECESSED AT 11:05 A.M. AND RESUMED AT 11:13 A.M.]***

**P.O. CARACAPPA:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCILO:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

Here.

**LEG. VILORIA•FISHER:**

(Not present).

**LEG. LOSQUADRO:**

Present.

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

(Not present).

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

(Not present).

**LEG. VILORIA • FISHER:**

I'm right behind you.

**MR. BARTON:**

Thank you.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. BINDER:**

Here.

**LEG. TONNA:**

(Not present).

**LEG. COOPER:**

Here.

**D.P.O. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

**MR. BARTON:**

We have 15 in the room.

**P.O. CARACAPPA:**

Thank you. Going back to the public portion, Mr. Rosales. My apologies to you, sir.

**MR. ROSALES:**

Thank you. Everyone's helping me out today. Good morning, Suffolk County Legislators. My name is George Rosales. I'm Director of Advocacy for the American Heart Association. I welcome the opportunity to speak in favor of Resolution 1440, a resolution which would mandate automated external defibrillators in every health club in Suffolk County.

It has come to the attention of the American Heart Association that Town Sports International is actively pursuing amendments to Resolution 1440, which would require county health clubs to be equipped with an automated external defibrillator and have appropriate staff on site trained in its use. The American Heart Association is concerned that Town Sports International is mischaracterizing or misinterpreting current statute and the impact that this legislation would have on health clubs.

It is our understanding that Town Sports International has indicated to your office that this legislation would be burdensome due to user liabilities issues, specific user requirements and equipment cost. As written, Resolution 1440 does not restrict the use of an AED to only trained employees of the facility. However, it does mandate that a trained employee be on the premises during business hours. The American Heart Association believes that this requirement

is necessary to ensure a prompt response in the event of a cardiac emergency.

We do recognize that a layperson can effectively treat a victim during a cardiac emergency, and encourage the general public to be trained in CPR and AED usage as well. We must point out that under no circumstances would the American Heart Association support legislation that would allow the placement of an AED in a public venue, absent the protections provided in the Public Access Defibrillation Law, the PAD Law. This law was enacted in 1998 to ensure wider use of AEDs and ensure greater public availability. The law provides that individuals, organizations or businesses that make a good faith effort to provide urgently needed medical attention are protected by what is sometimes referred to as a Good Samaritan Law. This guarantees that any person, who voluntarily and without expectation of monetary reward, provides emergency treatment, will not be liable for damages for harm alleged to have occurred, unless it is shown that he or she is guilty of gross negligence.

The PAD Law provides several key public protection provisions that are far from onerous and are, indeed, necessary. The physician oversight component, which any AED•CPR training center or the American Heart Association can assist in implementing, is vital to ensuring quality control of these programs. Additionally, the PAD Law requires the training of designated rescuers in CPR in how to use an AED, integrating with the local Emergency Medical Services System and using or maintaining AEDs according to the manufacturer's specifications.

Since the PAD Law has been enacted in New York State, nearly 3000 public access defibrillation programs have been implemented, with tens of thousands of government, businesses, recreation, education and not•for•profit facilities now having access to this life•saving equipment. Town Sports International has called for the implementation of a tax credit for purchase of AEDs. New York State already offers a corporate tax credit equal to the lesser of the purchase cost of the unit, or \$500. There is no limit to the number of units purchased during the tax year for which the credit may be taken. However, the credit cannot exceed 500 for each unit purchased.

As far as the cost of devices, AEDs can be purchased in large quantities at a discount and with varying features. We have heard that the cost of the devices can range from thirteen hundred dollars to twenty•seven hundred dollars. At this price, the reward for a successful save far outweighs the cost for the devices.

It is our understanding that the International Health and Racquet and Sports Association opposed a similar Legislative proposal in Rhode Island, but removed this opposition once Good Samaritan provisions were clearly delineated in the legislation. We are hopeful that a similar conclusion can result.

The American Heart Association, based on our experience with the implementation of the AED in Schools Law in 2002 would be open to discussing a delay in the effective date, so as to allow adequate time for education of health club operators, purchase of equipment and training of staff. Some of the concerns raised by Town Sports International were raised by school districts in New York State when the AED in Schools Law was enacted in 2002.

**P.O. CARACAPPA:**

Mr. Rosales.

**MR. ROSALES:**

Yes.

**P.O. CARACAPPA:**

Your time expired sometime ago.

**MR. ROSALES:**

Okay. Well, then ••

**P.O. CARACAPPA:**

So, if you could just sum up.

**MR. ROSALES:**

Certainly.

**P.O. CARACAPPA:**

Thank you.

**MR. ROSALES:**

The American Heart Association information is in support of Resolution 1440, and we urge the

Legislature to adopt it. Thank you.

**P.O. CARACAPPA:**

Thank you very much, and thank you for your patience. Karen Acompora.

**MS. ACOMPORA:**

Good morning. My name is Karen Acompora. Three•and•a•half years ago, I stood before this Legislature and told you about my story being that my son Louis, a Northport high school lacrosse goalie, died from sudden cardiac arrest. At that time, I asked this Legislature under the leadership of Andrew Crecca to look into passing a bill to have AEDs placed in our police cars and in our Suffolk County Parks and recreation. And I have to say that I was so pleased that Suffolk County did that. We've had many lives saved because of that law.

Also, this Legislature sent a Sense Resolution to Albany. That resolution was to ask for mandatory AEDs in schools. That law was passed on May 7th, 2002. I want to tell this Legislature to this date, we have 11 saves in New York State Schools. That is really something to be proud of. And when we started this, people told us that, you know what, children don't die from sudden cardiac arrest. When is an adult going to die from sudden cardiac arrest? Well, you know what it happens, and to have 11 lives saved is really something unbelievable.

With Resolution Number 1440 we can continue that trend. People die in fitness centers. In Northport alone, we had a dad pass away in our Gold's Gym, and this was right across the street from the fire department that has AEDs right there. So if they're not accessible immediately, lives are lost. This law will save lives, we know that because lives have been saved in schools. The ripple effect of putting AEDs everywhere is something that we cannot ignore. So we really ask this Legislature to really think hard about this wonderful law. We can pass laws all day long, but to pass a law that saves lives, you know, you cannot say no. So I thank you for listening to me and please do what you can. Thank you.

**LEG.FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Next speaker, Michele Peykar. Michele? Oh, she was with the sound study. Okay. William Stoner? Joanne Petruzzi? Carol Hulley? I'm going as fast I can, Billy.

**MS. HULLEY:**

Good morning. Still is morning. Members of the Legislature, my name is Carol Hulley. I'm the Assistant Division Administrator in the Child Support Enforcement Bureau in the Suffolk County Department of Social Services. I'm here to speak on Resolution 1449, that would provide funds for Touro Law School to continue its Family Law Clinic that has in the past six years been helping child support clients. What has happened, though, is although the program is very excellent, we've had to face the fact that this program only serves 38 of our clients per year, and in these difficult times, we have really had to face the fact that we are able to actually serve these clients through the County Attorney's Office. The County Attorney's Office is the public entity that's charged with providing legal services to child support clients, and they had ensured us that they would be able to take care of these 38 clients.

We have already taken steps in the Child Support Bureau to start funding a program that would provide services to many more than 38 clients. We are looking to provide accounting services for what would actually be thousands of our child support clients. These clients would then be able to get previously unpaid child support, child support that is seriously in arrears, that they really have been owing for a very long time •• have been owed for a very long time. And we would like to ask the Legislature to not support Resolution 1449 and be able to provide the funds for many thousands of people to get the child support that they have been owed for quite sometime. Thank you very much.

**P.O. CARACAPPA:**

Thank you. Christina Kim. Christina Kim. Cheryl Felice.

**MS. FELICE:**

Good morning.

**P.O. CARACAPPA:**

Good morning, Madam President.

**MS. FELICE:**

How are you? My name is Cheryl Felice, President of the Suffolk County Association of Municipal Employees, and we represent over 8,000 workers, retired and active workers in Suffolk County. I stand here in support of Resolution Number 1561, capital projects, and the reasons are stated as I'll go through.

Over 300 civilians join our brothers and sisters and the Correction Officers and Deputies at the Suffolk County Jail. Renovations to that facility is desperately needed for all the reasons stated above, and we stand in strong support of that resolution. We also stand in support of the resolutions because of the renovations it would bring to the Riverhead County Center, a structure that has deteriorated for too long.

I would like to also thank Mr. Jack Caffey, President of the Long Island Federation, AFL/CIO, for including the public employees in his statement in the advancement of a true labor agenda. Here in Suffolk County, that agenda supports jobs for workers, both in the private sector and for the public sector, workers who live, shop and pay taxes here in Suffolk County.

Finally, if you need proof that restoring the integrity to our infrastructure works, just look at the new Social Services building right here on Vets Highway, completed by a former Legislator, Bill Jones, who is also the former Deputy Commissioner of Social Services. That building is a model for restoring the infrastructure here in Suffolk County. Workers there have restored their morale, have restored pride, and I'm sure the County is benefitting in increased productivity. I would ask for your support, and thank you very much for your time.

***(Applause)***

**P.O. CARACAPPA:**

Next speaker, Jeff Blanch.

**MR. BLANCH:**

Hello, and good morning to the Suffolk County Legislature and everyone here. My name is Jeff Blanch. I'm a Suffolk County citizen and I'm from Medford.



The reason why I'm here today is that I would like to speak out on the jail that's being proposed for Yaphank. I'm very discouraged that there hasn't been any serious debate to this point. Mainly, it's been a one-sided juggernaut of let's build the jail, let's build the jail, let's build it, who cares what the costs are. The current estimates are 200 million dollars, and it's bound to go up. Let's just build it.

And I'm very concerned as a citizen, because the alternatives have been far from fully explored. I know there was a proposal put forth by one of the Legislators a month ago calling to hire an independent consultant to investigate alternatives to a jail. It was voted down in the Public Safety Committee on a party line vote 5 to 2. And I think this is a very grave error and a horrible mistake. I think all alternatives must be explored and carried forward to their fullest extent before going ahead with a jail that will cost the citizens of Suffolk County economically, socially and environmentally.

I also see horrible motives here, as the New York State Commission of Corrections, which is overseeing this, they're urging us to build a new jail, is headed by Alan Croce, who happens to be a former Deputy and Under-Sheriff in Suffolk County, as well as the husband of the Suffolk Republican Leader, Pat Acampora.

It upsets me that this is merely being mired in partisan politics. It just seems to be one GOP circle jerk when it comes to just building this jail, without having any care or thought of the cost that it brings, or what we can do in the form of alternatives. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Yvonne Quirk.

**MS. QUIRK:**

Good morning. My name is Yvonne Quirk, and I am the President of the Islip Town Branch of the NAACP. I had stood before you once before with regard to reapportionment and here I stand again.

I would like to encourage the entire Legislature to adopt Introductory Resolution 1223, and I say that because it took much too long after the last census for reapportionment to take place,

and for our new Assembly District to come to fruition. I would not like to have to come back to the Legislature and fight again after the next census to put in place a Legislative District that should have been put in place without our intervention. Thank you.

**P.O. CARACAPPA:**

Thank you. Darren Sandow.

***(Applause)***

Darren Sandow. Dave Scro.

**MR. SCRO:**

My name is David Scro. I'm Vice President of Country View Properties, past President of Long Island Builders Institute and New York State Builders Association. I have built 86 affordable units here in Suffolk County. I have sold homes for 79,990 and for 109,990. I understand about affordable housing. I've seen the swelling on people's eyes as I hand them a key and they achieve the dream of homeownership. And because of these reasons, I'm here today to express my support for Resolution 1503, which would encourage affordable housing here in Suffolk County, and to oppose Resolution 1281 and ask you not to override the County Exec's veto.

Proposed Resolution 1281 is well intended, and I agree with all the "whereas" clauses, but when it gets to the second and third "resolved" clauses, I disagree with it's intent. The applicable key phrase is any consent to an application to construct on-site sewage treatment facilities. This resolution would tie affordable housing to sewage treatment facilities and the consent for their approval. This resolution would subject existing and future applications to this affordable housing requirement because of the following reasons:

That a piece of property is not within existing sewer district or any planned expansion of any district. You can't connect to existing sewage treatment plant now existing or any proposed sewage treatment plant. You are within the district, near a district, or existing district, or proposed sewage treatment facility, but there is no existing capacity. You are at or near existing district or sewer facility, but the cost to connect is strictly cost prohibitive based on

engineering calculations, the cost of •• whether the property is sloping up hill or down hill, and whether a pump station is required. What this means is that a piece of property that is literally across the street, across a highway, or on the other side of the railroad tracks will be subject to different regulatory requirements, the result of which would be subjecting certain communities in Suffolk to be saturated with affordable units, and others that are excluded from this requirement.

The application of this resolution means that decisions that should be based on protecting our groundwater, i.e. engineering the expansion of sewage treatment facilities, encouraging developers to consolidate and share facilities, or having the private sector expand existing sewer districts, such as the Sewer District 11 Builders Consortium that's now existing. Instead, these decisions will determine where affordable housing should or should not go. Decisions based on engineering costs will determine where affordable housing goes or should not go.

This resolution is contrary to smart growth principles and proper planning, where we should encourage high density areas with existing sewage facilities. This resolution ignores the simple fundamental truth that local towns and villages are in a better position to determine the density and yield of individual applications and whether it is economically feasible, based on the size and the scope of the project, to build affordable units. This decision should not be made by the Commissioner of Health Services or the Chairman of the Suffolk County Sewer Agency.

Many applications are in the approval process of Long Island for many years. The fourth and fifth "resolved" clauses of this resolution with the 90•day requirement to promulgate rules and regulations which are enforced on the ninety•first day will be a chilling effect on the housing industry here on Long Island with moderate priced housing.

**P.O. CARACAPPA:**

Dave, could I ask you to sum up, please? Your time expired.

**MR. SCRO:**

Okay.

**P.O. CARACAPPA:**

Thank you.

**MR. SCRO:**

The two •• four•year process of negotiating, planning with towns, when you're going •• you're going to change the rules. Most of these applications have gone through a SEQRA process, and developers have spent over hundred thousands of dollars on the subdivision approval. With lots going from Suffolk County between 250,000, somewhere between 300 and 400,000, it is impossible, totally economically feasible to provide this affordable housing requirement.

This resolution has had an impact, being worse yet, it's a taking. That is not rationally related to the granting of sewer applications and permits. Instead of encouraging affordable housing, it will discourage it. I ask you not to override the County Exec's veto. Thank you very much.

**P.O. CARACAPPA:**

Thank you, appreciate it. Richard Rosenberg. Mr. Rosenberg. Kevin McManus.

**MR. MCMANUS:**

Good morning. My name is Kevin McManus. I'm with WCI Community, Spectrum Communities. I'm here tonight to •• today to protest the proposed legislation relating to Number 1281.

I agree with the prior speaker in that I have no opposition to affordable housing and providing development that creates affordable housing. Clearly, though, there's no correlation between the Health Department and Department of Public Work's duty to enforce standards for environmental quality control and the need to provide much needed affordable housing.

Affordable housing problems are a planning matter and not within the venue of the technical review agency such as the Health Department or DPW. The Health Department already takes 12 to 18 months to review and approve proposals that are in front of them for projects that have already been approved in the SEQRA process, which is clearly the appropriate venue for the discussion of affordable housing. The Board should consider the possibility of hiring additional help to have those applications move in a more •• in a more rapid manner. Thank you.

**P.O. CARACAPPA:**

Thanks a lot. Michael Anthony.

**MR. ANTHONY:**

Good morning. My name is Mike Anthony. I'm an unaffiliated citizen today. I speak today to express my concern about the proposal to build a new jail in Suffolk County. I recognize the pressure brought to bear on the Suffolk County Legislature by the state COC. It seems to me that this presents an opportunity for you to work with the New York State Legislature as they endeavor now to rework and reform the former punitive drug laws that exist in New York State, in part, the effect of the pressure to build more jail spaces caused by the enforcement and application of these harsh drug laws.

In a larger context, the United States has one of the highest incarceration rates of any first world nation. I do not think it's because Americans have greater malevolent intents. Accordingly, I ask that any allocation of scarce taxpayer dollars be used to implement alternative programs to reduce jail time and incarceration rates, rather than build •• rather than burden taxpayers with a costly construction project. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Dave Scudder. David Scudder. Darien Phillips. Darien Phillips. Ned Hurley. Pass. Richard Amper.

**MR. AMPER:**

Mr. Presiding Officer, Members of the County Legislature, this is a very important day for all of us. We need to be back in the land•buying business. I've taken a good deal of all of your time in the past several weeks, and I must tell you that the sponsorship and the technical support of the Counsel to the Legislature and you,

Mr. Presiding Officer, has been very, very important to our capacity to get Suffolk back into the line •• the land•buying business again. This is critical to our economy, it's critical to our environment, it's critical to our quality of life. There is little that Suffolk County can do that is going to be more important to the future of this County and its citizens than to pass 1338 and 1517 today. It's important legislation. This County has been second to none in the nation in the job of preservation. We've not done a good job of it for the last couple years. Let's get back and get it started again. Thank you very much for all of your support and help. Thank you very much.

**P.O. CARACAPPA:**

Thank you, Mr. Amper. Hopefully, we'll get that done today.

***(Applause)***

Joe Lorintz.

**MR. LORINTZ:**

Good morning ••

**P.O. CARACAPPA:**

Good morning.

**MR. LORINTZ:**

•• Presiding Officer Caracappa and Members of the Suffolk County Legislature. My name is Joseph Lorintz. I'm Chairman of the Long Island Environmental Voters Forum. As you know, protecting drinking water and preserving open space are top priorities of the Environmental Voters Forum. In this connection, we are eager to see Suffolk's Land Preservation Program streamlined and accelerated, and we are persuaded that I.R. 1517 and 1338 will help achieve this objective.

Approval of the master list and revised procedures for Legislative oversight of the County's preservation programs will help Suffolk to obtain the objectives advanced by the Long Island Regional Planning Board, namely the preservation of 45,000 of Long Island's remaining 90,000 acres of open space. This objective has been endorsed by both the economic and the environmental communities, as you have seen and heard in presentations before this body in recent weeks. The Voters Forum will consider an affirmative vote on these two pieces of legislation to be positive actions by such Legislators in support of the health of Long Island's economy and environment. Thank you very much for your support.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much, Joe. Don Fiore. Don? Bob Carlino.

**MR. CARLINO:**

Thank you and good morning. My name is Robert Carlino. I'm the Director of the Long Island Contractors Association. Very recently the Association sponsored and presented before the Public Works Committee of the Legislature a study that was conducted by RPI, that's Rensselaer Polytechnic Institute, through their subsidiary company known as the Institute of Infrastructure Asset Management. Try saying that one about three times in a row. In any event, the findings of the study I will just briefly read into the record for your consideration, and indicate to you that we're here today in support of I.R. 1561 as it relates to the amendments suggested to the Capital Program for highways in Suffolk County.

One, over 25% of Suffolk County's highways are rated deficient. Two, state highway congestion in Suffolk County has increased by 55% since 1990. Congestion is increasing faster in Suffolk County than in any other peer metropolitan area or county surrounding New York City. Three, Suffolk County has by far the greatest number of fatal crashes among all peer counties in the New York Metropolitan area, or any county in the State of New York for that matter.

On local highways, the total number of fatal crashes in Suffolk County in 1991 represents over 57% of all fatalities in the New York metropolitan region. Suffolk County has about one fatal crash annually for every ten miles of County highway. Suffolk County spends on an annual basis about \$8 per person per year on their highways, as contrasted to the New York State Department of Transportation, which spends over \$80 per person per year.

So accordingly, we ask you to support this resolution. If it were to pass, I would guess that the County would somewhere •• be somewhere around \$10 per person per year. It's a step in the right direction, but we've still got a long way to go. Thank you.

**P.O. CARACAPPA:**

Thanks a lot, Mr. Carlino. Rabbi Steven Moss.

**RABBI MOSS:**

Good morning, everyone. I am here, as you know, as Chairperson of the Suffolk County Human Rights Commission, and also one who has chaired a number of meetings of the



Brookhaven's Anti•Bias Task Force regarding the day•laborer issue, as well as one of the Task Forces by the previous County Executive.

I first want to congratulate the Legislature on the defeat of Resolution 42. As some of you have, not all of you know, the current County Executive recently formed an Immigration Task Force to deal with the issues addressed in this Sense Resolution this morning, and all other issues raised in the migrant worker problem here in Suffolk County, as it affects just not only Farmingville, but all the County. And then, of course, there was the resolution of this morning.

What I'd like to do, and the reason why I wanted to stay even beyond the defeat of the resolution, was to say that what is needed is a comprehensive plan to deal with this divisive issue in our county and not this piecemeal approach. I and the Commission urge the Legislature and the County Executive to bring together all the resources of government to develop a plan of action, which will not only look at short•term, but also long•term solutions.

As other municipalities do with difficult community problems, maybe it is a time to appoint one person, independent and apolitical, who will spearhead this approach and be given the necessary provision and powers to investigate and mediate and ultimately recommend the plan of action.

This issue has not gone away, and although some thought it was at a lull, it is not. Look at what happened at the Sachem Library last night at the showing of the movie Farmingville, which I urge all of you to see, if you have not. Tensions are high and actions must be taken, but well thought out and research actions that will bring realistic, appropriate and humane solutions.

On the poster publicizing the movie at the library, the following words appeared. "We came to the suburbs and we have found a boarder war." I was horrified by the hype of these words. Is this what we want for Suffolk County? This community problem cannot be wished away. The time for action is now. Thank you.

***(Applause)***

**P.O. CARACAPPA:**



Thank you, Rabbi. Irma Solis. Irma Solis. Ellen Schuler Mauk.

**MS. SCHULER MAUK:**

Good morning. I'm Ellen Schuler Mauk and I'm President of the Faculty Association at Suffolk Community College, and I'm here in support of I.R. 1561 and the amended capital projects.

I was here at the press conference yesterday with regard to these capital projects and there was a lot of talk about the importance of keeping the County's capital projects on target. The capital process is a long process. It goes at least three years, any capital project, before it actually comes to fruition. And at the College and in the capital projects, there are four projects specifically that deal with College projects. At the College, the process is even longer. Not only to we go through the three-year cycle at the County, but we also end up being at a five-year cycle at the State level in order to get the 50% reimbursement for our capital projects. For instance, this year, we are just completing the project for our science building. That is the first renovation in 28 years to upgrade thirteen laboratories. This project was started •• it was first in the County budget, Capital Budget in 1997, and it is just now being completed in 2004. When the budget was •• when the project was first proposed, it was estimated to cost approximately \$3,000,600. The estimate now, of course, is 5.7 million dollars, and this is what happens when you're dealing with a delay.

There are several budgets •• several projects in the current Capital Budget for the College. Two of them deal with the libraries at our Eastern Campus and at our Western Campus, and these are absolutely crucial to the mission of the College to enable our students to conduct the kind of research that they need to conduct. The one particularly at the Western Campus is currently 50% below the SUNY requirements for a campus of that size, and our grand campus is probably the driving force for growth at Suffolk Community College.

So, just as a matter of just these two projects, but I think all the projects are critical to be in the Capital Budget, and I urge your support for Resolution 1561 and for the amendments. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Thank you, Ellen. Bob Wieboldt.

**MR. WIEBOLDT:**

Hi. I'm Bob Wieboldt, the Executive V.P. of the Long Island Builders Institute. We employ over 10,000 full-time jobs every year created in Suffolk County through about 500 member companies, building over 4,000 houses. We'll be the first people to admit that most of those houses are too expensive for folks who make less than, let's say, a hundred, \$120,000 a year.

The reason I'm here today is to urge you not to override the County Executive's veto of Resolution 517-2004, which established a 15% affordable housing requirement on all attachments to County sewers, all approvals of privately owned and operated treatment plants in the County, including the chromaglass system, which has been widely used.

The kind of housing affected by this provision is in many times set up to help the very people who are just a step above 80% of the County median. These are townhouses, condominium projects, things like that. Unfortunately, many of these are designed with land costs that are \$200,000 per unit or more in excess of where you want the price of the house to come out.

It doesn't always fit to put 15% affordable in every project, yet our association is in full support of this. We've sent a conceptual paper to you in early January this year to all County Legislators saying that we support the inclusion of a percentage of affordable houses wherever feasible as an alternative to trying to get a few ribbon cuttings every year out of a handful of affordable, quote, developments per se. We think that that would be a way to put affordable housing into the production mainstream. This bill, however, creates a patently illegal requirement. It establishes your right to sewage or sewage approvals which should be based on engineering and environmental grounds on the basis of whether or not you're selling your homes or renting your homes at a certain price. It's unconstitutional under the Nolan Case, which basically says that you cannot have a condition like this, it represents extortion, and under the litigation that's developed on the State level under the Public Health Law and the Environmental Conservation Law.

To override the veto would put us in a position of instead of trying to find solutions, and we're working with the County Executive's Committee, you guys have Affordable Housing Committee, we're a fountain of ideas on how to do this. Instead, we're going to be spending very scarce

resources in litigating an already established legal position.

We don't think that's in the best interest of everybody, but we understand how well intentioned the resolution is. And, as Mr. Scro, who spoke earlier, we agree with all the whereases.

Every one of the affordable housing projects sponsored by the partnership was sponsored by the Long Island Builders Institute. We are in Albany at this very minute on a bipartisan manner trying to get the Senate and Assembly to buy into the DiNapoli/Balboni Bill, which would require communities to put a percentage of housing in, but recognizing that it's not always possible. The Balboni Bill allows payments of cash, builders using alternative sites. You don't have those outs here.

One last point. In 90 days, this bill would take effect after you did override it, if you did so. At the end of that 90-day period, moratoriums will have expired, and development applications will come pouring into Riverhead, Brookhaven, and multi-family and PRC's, East Hampton, the western part of Southampton. It's a funny date 90 days from now. The County Health Department is already blocked up into the years and months, instead of weeks and days, in processing. I'm sure you're aware of that issue.

**P.O. CARACAPPA:**

Bob, could you just sum up?

**MR. WIEBOLDT:**

We have a real problem and we do not want to get involved in litigation. At this time, we would urge you to support 1503, the County Executive's Housing Program, which is on this afternoon. Thank you very much.

**P.O. CARACAPPA:**

Thank you.

***(Applause)***

Ellen Istaelson. Ellen? Andrea Vecchio.

**MS. VECCHIO:**

Good afternoon. I'm Andrea Vecchio. I represent, I guess, East Islip Tax Pac, Suffolk County

Tax Pac, and I try to speak for the taxpayers of Suffolk County.

I'm here because of the resolution you're supposed to vote on, 1561, which is the capital construction amendments. I assume it's pretty much all within this bill. What I'm not too clear on is what the total amount is. Does anyone know what this all comes to. If you counted up all the different amendments, I there are 11 in all. Does anybody know?

**P.O. CARACAPPA:**

It's 40 •• 49 million dollars.

**MS. VECCHIO:**

Forty•nine million dollars. Okay.

**P.O. CARACAPPA:**

And it's not amendments, just •• not to cut you off, but they're not amendments, they're appropriations. These were budgeted ••

**MS. VECCHIO:**

Appropriations.

**P.O. CARACAPPA:**

These were budgeted in the Capital Budget last year, when we passed the Capital Budget.

**MS. VECCHIO:**

But they were taken out, weren't they?

**P.O. CARACAPPA:**

No, that was the County Executive's plan. They were never taken out.

**MS. VECCHIO:**

So, the County Executive took them out and now you're putting them back in.

**P.O. CARACAPPA:**

They were never taken out.

**MS. VECCHIO:**

Never taken out, okay. So, this is ••

**P.O. CARACAPPA:**

They were appropriated, as prescribed by our Capital Budget.

**MS. VECCHIO:**

Okay. In particular, I'd like to speak in regard to the money appropriated for the County Jail. Everything I've read in the paper and heard about didn't really indicate to me that they had even made a decision, that you and the County Executive and Mr. Croce had even made a decision on what we are going to have to have. It seems to me going ahead with appropriating money to plan this is like a runaway train that's about to leave the station, and I'm very concerned about what impact it will have on the County taxpayer.

I would ask you to consider this very carefully, and think about who you're really representing. Are you representing the construction companies that are going to benefit? Are you representing, are you or the County Executive representing the Sheriff or the Correction Officers Union, or are you really representing the people? I think, if you really think about it and really did your job properly, you would realize that holding a line on taxes is the most important thing that you can do. And we maybe need to fix up the County jail, we need to renovate it, but whether we need a 209 million dollar facility, certainly, you know, no one •• no one is really convinced of that yet, and I think you're taking •• putting the cart before the horse.

And I would ask you to maybe table this and give it a little bit more thought and get out to the people with the real •• the real facts and the real •• whether we really need it or not.

And, also, I think that you need to come in with a budget that doesn't raise taxes for County taxpayers, because we're being bombarded with school property tax increases that apparently we have very little control over. No matter how we vote, they still go up, and every aspect of local government is hitting us. And the County has really been pretty good over time in being kind to the taxpayers. So, I ask you to reconsider this. Thank you.

**P.O. CARACAPPA:**

Just as a point of personal privilege, and I think on top of •• on behalf of all of the people that

have worked on the Capital Budget, I'd just like to clarify one or two things. We are not appropriating money for jail construction in any of the bills that you see, it's in the plan, the Capital Budget plan, that would be the Capital Budget later on today, but 1561 does planning and design monies. We, the Legislature, did not want to appropriate construction dollars in 2004, because that is putting the cart before the horse. Instead, we are doing planning, design, pushing construction dollars out to 2006 and subsequent years, where we feel the money is appropriate to construct. By then, we'll be able to view alternatives to corrections, as well as plan and design for a jail that will not be obsolete before we even cut the ribbon. So, we're doing exactly what you asked. And also, we've reduced the number for construction by tens of millions of dollars from the original estimate. So ••

**MS. VECCHIO:**

What is the estimate now?

**P.O. CARACAPPA:**

We have cut it by 50 million •• 25 million dollars we toned down what the original construction dollars are going to be, but that will be •• won't be appropriated until 2006, so we're following your directions precisely. Thank you.

**MS. VECCHIO:**

Yes. Except that once you have a plan, you have the square footage that you're doing the plans on, so you already must know what size this jail is going to be.

**P.O. CARACAPPA:**

No, we're not going •• we were going forward with just monies to start the planning and designing process.

**MS. VECCHIO:**

So, you don't know how big this jail or how extensive it's going to be yet.

**P.O. CARACAPPA:**

No. That's why we plan.

**MS. VECCHIO:**

Okay. Thank you.

**P.O. CARACAPPA:**

Isabel Sepulveda. Isabel? Leonard Fillyaw.

**MR. FILLYAW:**

Good morning, everybody. How are you? Before I start, can I ask for your feelings with everybody here? Can I do that, please? Can I have the luxury of that?

**P.O. CARACAPPA:**

Excuse me, Mr. Fillyaw.

**MR. FILLYAW:**

Can I share some feelings with you?

**P.O. CARACAPPA:**

You have three minutes to share whatever you want with us.

**MR. FILLYAW:**

Okay, listen. Thank you. Imagine trying to vote and getting lynched, or somebody coming into your house and raping your wife in front of you, overcoming that with a civil law, losing 80,000 people just to get the right to be a citizen. I want to declare to you today how proud I am of the African•American's contribution to its country, especially the area of civil rights, and that's what I want to address today.

As a litigant in a civil rights suit, Montano vs. Suffolk County, I was proud to advance the cause of civil rights in Suffolk County and put an evil to the end of gerrymandering. That's the tactics of racial oppression.

Our present government is more stronger and more representative of our diverse population. The present government now is now more inclusive to African•American and Latino voters, which was denied in the past through gerrymandering. Let's put an end to gerrymandering by enacting legislation, the Fillyaw Civil Rights Bill, to ensure that our future generations can enjoy a government which promotes racial and ethnic harmony for all of Suffolk County.

Every ten years we must ensure that a reapportionment committee is in place, so we don't have to take them to court, after the census of the national government. Then we must draw new lines for new times, because population and demographics change, and bring a better government to the people of Suffolk County and bury this practice of gerrymandering. So, I'm in support of Resolution 1223. Thank you.

**P.O. CARACAPPA:**

Thank you. Is it Ely or Ely Barrera? Linda Pereyda? Joshua Klainberg.

**MR. KLAINBERG:**

Hi. I'm Josh Klainberg. I'm the Political Director for the New York League of Conservation Voters, here today to speak in support of Introductory Resolutions 1517 and 1338, which are designed to streamline Suffolk County's land acquisition process. Swift passage of these bills is necessary to facilitate the preservation of open space and farmland.

As you know, the environmental community is strongly behind these bills, and accelerating the land acquisition process is critical, given the escalating land prices and development pressures in the County. By establishing a set appraisal and authorization process, including time lines for partial review and purchase negotiation, I.R. 1517 would help streamline Suffolk County's Land Acquisition Program, and I.R. 1338 would also facilitate the land acquisition process by allowing the County to purchase land from an approved master list and environmentally sensitive farmland and recreational important lands. So, the League of Conservation Voters obviously regards the passage of these bills as key environmental victories for Suffolk County. We urge you to do so, and we thank you for your vote in advance.

**P.O. CARACAPPA:**

Thank you very much. Bill Ellis.

**MR. ELLIS:**

Mr. Presiding Officer, members of the Legislature, Bill Ellis, Director of Governmental Relations, Suffolk County Correction Officers Association. Hello to you all. Vito Dagnello, our President, is in Albany trying to keep the County safe from the evil oppression out there, and asked me to deliver this message today regarding Bill 1475, which is the creation of a few supervisory positions in the Corrections Division of the Office of the Sheriff.



This Legislative body has always addressed every need that the Correction Officers have had, and for that we are eternally grateful. And it was just a year•and•a•half ago when we came to you, because we had attrited down to an amount of officers, one of the lowest staffing levels that we could handle, and you acted swiftly with that, creating two new classes of Correction Officers that will give us approximately 109 new officers when the second class graduates. Along with that, though, we need the supervisory positions, because with the extra officers go along with the extra sergeants and the lieutenants and a captain that is required. You would not send your men into battle •• a squad does not go into battle without a sergeant, and a platoon does not go into battle without a lieutenant. So, I urge you to vote in the affirmative on 1475.

In addition, I would like to speak on behalf of the Union on 1561, the capital project, and I'd like to echo the sentiments of Under•Sheriff Sullivan, along with the other union leaders here today, and our personal thanks for the way this Legislature has moved forward on the jail project. And we are in total support of 1561, even though that moves the money over into 2006, but this is a great move forward by this Legislative body. And we thank you, Mr. Presiding Officer.

**P.O. CARACAPPA:**

Thank you, Bill. I accept that on behalf of all my colleagues.

Antonio Martinez. Linda Perdomo•Ayala. Don Seuber. I have no other •• oh, Don? Oh, there you are. Okay.

**MR. SEUBER:**

Good morning, or I guess it's good afternoon now almost. My name is Don Seuber, and I am speaking •• I wish to speak in favor of Resolutions 1338 and 1517 on behalf of the Overton Preserve Coalition.

The most professional, scholarly and expeditious evaluation and purchase of open space is paramount and unanimously supported by the Overton Preserve Coalition. The process always ought to be transparent and easily tweaked when necessary. We all have said, "I should have, could have, would have purchased that piece of property next to our house." Now it's gone. If Long Island is to be Long Island forever, we only have a most limited window before all is gone. We must all guarantee to protect areas, even one or ten mile to our west, and that

commitment is critical. As we evaluate and purchase the most critical environmentally sensitive and required agricultural lands to retain farming viability, we must simultaneously purchase parcels in every corner of the County that give identity and a sense of place to every hamlet of the County, and make all Suffolk County a visitor and destination spot.

Weekender tourists don't go to Brooklyn. Importantly, land preservation is truly a government tax savings program. The sooner we purchase, the cheaper the land, the least cost to the taxpayer, the sooner longtime tax saving and land preservation is realized. Thank you, and I thank you all for the cooperative nonpartisan way these resolutions pursue the best interests of all Suffolk County residents and provide a future of environmental legacy for our children. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Next •• oh, no more cards. Anyone else wishing to be heard? Motion to close the public portion by myself.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? I ask all Legislators to report to the horseshoe, please.

There's a motion to approve the Consent Calendar by Legislator Alden, second by myself. Let's just wait on the call there, Mr. Clerk. Wait for a few Legislators to come in.

**P.O. CARACAPPA:**

Okay, Henry. Legislator Lindsay is behind you.

**MR. BARTON:**

18.

**RESOLUTIONS TABLED TO JUNE 8, 2004**

**P.O. CARACAPPA:**

Moving to Page 8, Resolutions Tabled to June 8. **1085 (A Local Law to repeal annual audit of County forfeiture funds)**. I'm going to make a motion to approve.

**LEG. CARACCILO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. All in favor? Opposed?

**LEG. BISHOP:**

Explanation.

**P.O. CARACAPPA:**

Explanation? This is •• if you remember, this was originally Presiding Officer Postal's bill. At the end of last year, the •• both the Comptroller and the District Attorney had come forward asking for these changes and ••

**LEG. BISHOP:**

Right. Were there any changes to this?

**P.O. CARACAPPA:**

No, there weren't any changes.

**LEG. BISHOP:**

Okay. So, the •• on the motion.

**P.O. CARACAPPA:**

Yeah, on the motion, Legislator Bishop.

**LEG. BISHOP:**

This was that the funds would not be audited; correct?

**P.O. CARACAPPA:**

I'm sorry, Legislator Bishop.

**LEG. BISHOP:**

The net effect, what's the bottom line effect of this, is that ••

**LEG. VILORIA • FISHER:**

Dave, is your mike on?

**LEG. BISHOP:**

What is the bottom line effect of the resolution? I don't think the mike is on.

**LEG. LINDSAY:**

It's on.

**P.O. CARACAPPA:**

Yeah, the mikes are like in and out. It would keep •• it would keep the District Attorney's Office from being audited on forfeiture funds on •• annually. By doing it annually, it takes up a lot of resources and effort by the Comptroller's Office. The Comptroller has stated that he could and would every now and then audit the forfeiture funds, as is his responsibility, so •• but to have a set schedule annually was just quite cumbersome.

**LEG. BISHOP:**

I'll point out again to my colleagues ••

**P.O. CARACAPPA:**

It's on.

**LEG. CRECCA:**

They're not on.

**LEG. BISHOP:**

They're not on, right?

**P.O. CARACAPPA:**

It's on. It's a little week.

**D.P.O. CARPENTER:**

On some of them.

**LEG. BISHOP:**

I'll point out ••

**P.O. CARACAPPA:**

David.

**LEG. ALDEN:**

Selective. Selectively, that's it.

**LEG. BISHOP:**

Point out to my colleagues again that this fund occupies unique ground in government in that the District Attorney gets to both collect the money and expend the money without oversight of the Legislature. We don't direct, that's one of the only •• the only fund that I know of in the County that occupies that ground, and because of that, in the past, it has become the subject of controversy and additional scrutiny. To push the pendulum back all the way to the point where it's treated as if it's any other fund in the County in which the Legislature determines how the resources are to be spent and the Executive Branch spends the money might be pushing the pendulum back too far. And I urged several times that the resolution adopt some sort of middle ground between an annual audit and an audit, you know, whenever it could be gotten to.

As you know, the demand on audits is great, and the ability of the Comptroller to provide for them is not great, and as a result, many departments and funds go seven, eight years without an audit, and I don't know if that's a proper policy for this type of situation. So, I would urge that the sponsor •• I don't understand why this •• it has been tabled ••

**P.O. CARACAPPA:**

I gave ••

**LEG. BISHOP:**

•• after I made these speeches several times.

**P.O. CARACAPPA:**

I gave the parties involved a chance to •• that it impacted upon, months upon months to •• in fact, six months to come up with compromised language and they never have.

**LEG. BISHOP:**

Whose bill is it?

**P.O. CARACAPPA:**

Well, it was originally Legislator Postal's.

**LEG. BISHOP:**

Right.

**P.O. CARACAPPA:**

And then I picked it up as the incoming Presiding Officer, and the Comptroller had asked me to table it a few times, but no •• nothing has come out ••

**LEG. BISHOP:**

You mean every three years, every two? You know, it's not enormously complicated to me. I mean, it shouldn't be whenever they could get to it, because it's a unique fund. What?

**LEG. CRECCA:**

You can always direct them to do it.

**P.O. CARACAPPA:**

Let's try and use the microphones. So, that's where it is, and instead of keeping it around forever, I'm just going to move it.

**LEG. BISHOP:**

Well, I'd make a motion to table ••

**P.O. CARACAPPA:**

That's fine.

**LEG. BISHOP:**

•• and ask the sponsor to ask the Comptroller if he would be agreeable with every three years, every two years, you know, something like that.

**P.O. CARACAPPA:**

Well, he's kind of ••

**LEG. BISHOP:**

That's the only change I'm urging, because, otherwise, it's just whenever they can get to it, and that could be a •• you know, in the land purchase program, it was a decade between audits and then we had problems there.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Bishop. Is there a second?

**LEG. BISHOP:**

Obviously, common sense made a great impression.

**LEG. TONNA:**

I'll make a second just for the purpose ••

**P.O. CARACAPPA:**

Yeah, for the purposes of discussion, there's a second ••

**LEG. FOLEY:**

Mr. Chairman.

**LEG. TONNA:**

I don't want to discuss it.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley does.

**LEG. FOLEY:**

Repealing the annual audit doesn't prohibit an audit from being done every other year or every three years. This is just repealing an annual audit. It still is permissible on the part of the Comptroller to do a •• let's say •• let's call it a biannual audit. So, there's no prohibition. The only prohibition •• it's not even prohibition. The only repeal is for the annual audit and not •• it doesn't prohibit him or prevent him, or whomever the Comptroller may be in the future, from undertaking audits on an as•needed basis.

**LEG. BISHOP:**

Yeah, but it's a completely different kind of fund. That's the point, it's unique.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

Just as a background to this whole bill is that it was •• I won't call it a knee•jerk reaction, but it was a reaction to alleged misconduct in the funds by previous District Attorneys, and we decided to put this kind of stopgap action to have an annual audit. We don't need that right now, we don't need that kind of a Legislative oversight, which can be ordered by us at any time that we want to. If we feel that something is going on in any department in the County, we can order and audit of that department. What it does, if we don't repeal this law, what it does, it forces the Comptroller to expand human and capital resources that are sorely needed other places into doing something that we don't need. That's basically, you know, the whole thing. I understand Legislator Bishop's concern, that if we don't order something two or three years,



nothing might happen in eight years, and you're saying that may be bad. But, if we feel that something is going on, we can order one every six months.

**P.O. CARACAPPA:**

The Comptroller needs the resources at the ballpark. Legislator Lindsay.

**LEG. LINDSAY:**

I recall quite vividly the testimony of both the District Attorney and the Comptroller's Office, that they thought that the annual audit was a waste of valuable resources, that it's too often. And I'm going to support Legislator Bishop's tabling motion for one cycle, to see if we can get them off the dime to come up with some compromise. I hear the arguments that this is a unique fund, although this still would not give us any kind of oversight over the fund, it just has somebody look at where the money goes. And, as I remember the testimony from the D.A.'s Office, the federal government oversees these forfeiture funds as well, so it isn't as if that the money goes totally unaudited if we don't audit them. But I will support the tabling motion for one cycle.

**P.O. CARACAPPA:**

There's a motion to table and a second. All in favor? Opposed?

***(Opposed Said in Unison by Legislators)***

**P.O. CARACAPPA:**

There's opposition ••

**LEG. BISHOP:**

On the motion.

**LEG. MYSTAL:**

We're taking a vote, Bishop. You're about to ••

**P.O. CARACAPPA:**

Let's see if he got the vote.

**LEG. MYSTAL:**

You're about to win, Bishop.

**D.P.O. CARPENTER:**

Table?

**P.O. CARACAPPA:**

Yeah, there's a motion to table. To table, opposed, Legislator Caracciolo, Legislator Losquadro, Legislator Schneiderman, Legislator Carpenter, Legislator Alden, Crecca, Binder, Tonna.

**LEG. ALDEN:**

You forgot Lynne.

**P.O. CARACAPPA:**

Lynne Nowick and Caracappa.

**LEG. CRECCA:**

O'Leary.

**P.O. CARACAPPA:**

O'Leary. Okay, David, before they call the vote, why don't you make •• you talk.

**LEG. BISHOP:**

I was going to say that it may also be that the word "audit" is a term of art and it requires a specific type of review that's very thorough, and even if the compromise language evolves that would say we should •• you know, an accountant should review the filings, there just needs to be oversight over the fund that doesn't exist. And the point of that you could always have a bill to direct an audit of the District Attorney's Office, well, let's talk about the real world. I mean, Legislators are not going to run to file bills to have •• you know, poke the District Attorney in the eye, and it's not about this District Attorney either.

Unlike most of the people on this horseshoe, a majority of them, I supported this District Attorney's election early on and endorsed him publicly, so I have no problem with this District Attorney. My problem is that these laws go beyond the individuals who are in office. And when we passed the law, this law, there was a rationale, and the rationale was that, hey, this is a

fund that's unique, and we have to take a closer look at this fund, because it's collected by one party and that party gets to spend it and that's unique in government. So, again, I think most of you, from your reactions to when I speak, agree with me. I don't understand why you can't throw a vote to agree with what I'm saying and ••

**LEG. BINDER:**

Throw a vote.

**LEG. BISHOP:**

•• toss me a vote on this and do the ••

**LEG. MYSTAL:**

The boy needs a bone.

**LEG. BISHOP:**

And do what makes sense. Obviously, it doesn't make sense.

**LEG. TONNA:**

The boy needs more than a bone, trust me.

**P.O. CARACAPPA:**

Okay. Did Legislator Bishop sway any of those prior votes?

**MR. BARTON:**

Seven.

**P.O. CARACAPPA:**

Then call the vote.

**MR. BARTON:**

Seven.

**P.O. CARACAPPA:**

Seven against •• seven for the tabling. Motion to approve and a second by Legislator Caracciolo. All in favor? Opposed? Legislator Bishop. Abstentions?

**MR. BARTON:**

17•1.

**P.O. CARACAPPA:**

Moving on. ***1108, 1108A (Amending the 2004 Capital Program and Budget and appropriating funds the Offsite Access of Public Records (CP 1747.110 and CP 1747.510)).***

**MR. BARTON:**

It's got to be tabled.

**P.O. CARACAPPA:**

Motion to table by myself, second by Legislator Carpenter. All in favor? Opposed? Abstention?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1109 (Amending the 2004 Capital Program and Budget and appropriating funds the replacement of outdated PC's (CP 1785.510)).*** Same motion.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

1109.

**D.P.O. CARPENTER:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table, Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions.

(Vote: 18)

***1184 (Amending the 2004 Operating Budget and transferring funds for Family Service League).***

**LEG. COOPER:**

Motion to approve.

**P.O. CARACAPPA:**

There's a motion to approve by Legislator Cooper. Is there a second?

**LEG. BINDER:**

Second.

**P.O. CARACAPPA:**

Second, second by Legislator Binder. Explanation, please, by either Counsel •• Jon?

**LEG. CRECCA:**

Which one are we doing? I'm sorry, I lost ••

**P.O. CARACAPPA:**

1184.

**LEG. CRECCA:**

Okay, thank you.

**LEG. COOPER:**

This is restoring funding to three Family Service League Programs that had been cut in the budget. One program, \\_Manifield\\_ Family Center, is located in Huntington and serves primarily low income Hispanic children, and then there are two other programs that are county •wide programs.

**P.O. CARACAPPA:**

What's the total, if you wouldn't mind?

**LEG. TONNA:**

I believe it's \$100,000.

**P.O. CARACAPPA:**

There's a motion and a second.

**LEG. CARACCILO:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Caracciolo.

**LEG. CARACCILO:**

Could we have Budget Review here?

**P.O. CARACAPPA:**

Where is Budget Review?

**LEG. BINDER:**

Mr. Chairman, in the interim, while you're waiting for them, if I could just make a comment about •• if I could, while you're waiting, if you'll yield.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. BINDER:**

Will you yield while we're waiting?

**P.O. CARACAPPA:**

I recognize you to have the floor. Would you yield?

**LEG. CARACCCIOLO:**

Yes.

**P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

Yeah. Family Service League, in the 15 years that I've been here and ten years I was Chairman of the Health and Human Services Committee, I've seen a lot of contract agencies, people who provide service to the people of Suffolk County for us in our stead, and there are few, if any agencies, that pack the kind of service for dollar, the bang for the buck as we say, as Family Service League, and all the types of programs. They lower our responsibility in terms of taking care of families, because they do kind of a holistic approach, and as they take families in, they really take care of them in all aspects.

And the cost to us for the type of services as compared to almost any other contract agency is small. The ratio of money that goes to service versus administration and the type of outcomes that we get from Family Service League I think is pretty much unrivaled in all the contract agencies that we have. We have a lot of •• and we have a lot of very good contract agencies.

So, I would hope that we would support Family Service League in restoring the money for this program. I think it's well worth it.

**LEG. CARACCILO:**

Mr. Chairman. Legislator Binder's remarks are very insightful. Recently, the Comptroller, Mr. Sawicki, distributed a report on contract agencies, and one of the areas that he cited, and he and I are working on some legislation that I'll be introducing shortly to look into this issue of administrative costs versus service program, delivery of programs and services. Having said that, I just want to make sure, maybe Mr. Spero can answer the question, what is the ratio for Family Service League, Jim, administrative cost versus, you know, program, delivery of program and services?

**MR. SPERO:**

I'd have to check into that. I'll see if the form they're required to fill out has that data in sufficient detail to answer your question.

**LEG. CARACCCIOLO:**

Yeah. I would make a motion, then, Mr. Chairman, to table that, and everyone should look at

the Comptroller's report, and I'd be happy to work with others on the legislation that Mr. Sawicki and I are discussing.

**P.O. CARACAPPA:**

Could I make a recommendation, Legislator Caracciolo, based on your comments? Maybe we could skip over it until after the lunch, and if there are things that the ••

**LEG. CARACCIOLO:**

I'm not objectionable, unless there is a disproportionate amount of the program funds going to administrative costs. I'd just like •• I'd just the answer, that's all.

**P.O. CARACAPPA:**

Let's just •• we'll just skip over it for now and we'll come back to it.

**LEG. CARACCIOLO:**

Thank you.

**P.O. CARACAPPA:**

***1194 (A Local Law to further strengthen the County Code of Ethics).***

**LEG. BINDER:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table, Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1197 (A Local law to amend Local Law No. 34•1987 to permit seizure of vehicles of unlicensed home improvement contractors).**

**LEG. ALDEN:**



Motion to table.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

Motion to table, Legislator Alden. All in favor? Opposed? Abstain?

**P.O. CARACAPPA:**

Tabled. **1313 (Accepting and appropriating excess revenues received from Hotel/Motel Tax).**

**MR. BARTON:**

18 (1197).

**LEG. ALDEN:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Alden, second by Legislator Binder. All in favor? Opposed?

**LEG. VILORIA • FISHER:**

I'm opposed.

**P.O. CARACAPPA:**

One opposition, Legislator Viloría•Fisher.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

**1328 (A Local Law establishing policy and procedure for undercover/covert law enforcement leases).**

**LEG. CRECCA:**

Motion to approve.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Motion to approve.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Ms. Bizzarro, at the last meeting, I •• we had kind of set up a little procedure where, if you wanted to speak on bills, that'd send me a list. This is one of them, so I'm going to afford you the opportunity to come up, if you had comments on it.

**MS. BIZZARRO:**

Just in the event anybody has a question.

**P.O. CARACAPPA:**

Okay. Very good, then. There's a motion to approve and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**INTRODUCTORY RESOLUTIONS FOR THE JUNE 8, 2004**  
**MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**P.O. CARACAPPA:**

Moving on to Page 9. There's a motion by Legislator •• on ***1034 (Amending the 2004 Capital Program and Budget and appropriating funds for the construction of a skate park at Smith Point County Park, Town of Brookhaven (CP 7162).*** Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. O'LEARY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. ***1275 (A resolution rescinding Bond Resolution No. 1190•2002, adopted December 17, 2002, and repealing the authorization of the issuance of \$3,650,000 serial bonds of the County of Suffolk, New York, to cover the cost of the State share of grant funds for the Suffolk County Farmland Preservation Program for the acquisition of agricultural development rights (CP 8701).*** Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstention?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1276 (A resolution rescinding Bond Resolution No. 1043 • 2003, adopted December 2, 2003, and repealing the authorization of the issuance of \$1,870,000 serial bonds of the County of Suffolk, New York, to pay the cost of the acquisition of land for the reconstruction of CR 35, Park Avenue in the vicinity of Old County Road to CR 86 Broadway • Greenlawn Road, Town of Huntington (CP 5519).*** Same motion, same second.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1449 (Amending the 2004 Operating Budget transferring funds for Touro Law School Family Law Clinic and creating a position in the Child Support Enforcement Bureau (Binder)).*** Motion by Legislator Binder.

**LEG. ALDEN:**

Second.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Crecca •• Alden. All in favor? Opposed? Abstentions? One opposition, Legislator •• two oppositions, Legislators Foley, Montano.

**MR. BARTON:**

16•2.

**LEG. BINDER:**

I'll bring it back, if I can get a CN. I'll bring it back, if I can get a CN.

**P.O. CARACAPPA:**

It was just approved.

**MR. BARTON:**

16.

**P.O. CARACAPPA:**

Okay. ***1450 (Amending the 2004 Operating Budget transferring funds for not for profit community based organizations).*** Motion by Legislator Lindsay.

**LEG. CRECCA:**

I'm sorry, which one are we on?

**P.O. CARACAPPA:**

We're on 1450.

**LEG. MYSTAL:**

Second.

**P.O. CARACAPPA:**

Motion by Legislator Lindsay, second by Legislator Mystal. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1453 (Amending the 2004 Operating Budget transferring funds for the Education and Assistance Corporation in the Child Support Enforcement Bureau).*** Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1459 (Amending the 2004 Operating Budget transferring funds for Vail •Leavitt Music Hall).*** Motion by Legislator Caracciolo.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1475 (Amending the 2004 Mandated Operating Budget creating positions in the Sheriff's Office and transferring funds).*** Motion by Legislator Carpenter, second by myself.  
All in favor? Opposed?

**MS. BIZZARRO:**

Excuse me, Presiding Officer.

**P.O. CARACAPPA:**

Oh, I'm sorry. I'm sorry. Go ahead, Ms. Bizzarro.

**MS. BIZZARRO:**

Thank you.

**P.O. CARACAPPA:**

It is on the list.

**MS. BIZZARRO:**

Thank you. I just wanted to reference this bill in that it is improper as it stands, as it seeks to amend the Operating Budget to create new positions in the Sheriff's Office and there is no offset. Thank you.

**LEG. ALDEN:**

Just let's vote.

**P.O. CARACAPPA:**

Thank you very much.

**MS. BIZZARRO:**

Thank you.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1507 (Transferring contingent funding for various Contract Agencies (Phase II)).***

Motion by myself, second by Deputy Presiding Officer. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

15 ••

**LEG. VILORIA•FISHER:**

Mr. Chair.

**P.O. CARACAPPA:**

I recognize Legislator Viloria•Fisher.

**LEG. VILORIA•FISHER:**



Mr. Chair, before we move on. I'm sorry, Mr. Chair. We were going so quickly that I missed 1449. I'm not in support of the resolution as it stands based on the speaker who was here this morning who said that we would be better able to service the number of cases within the department. I'd like to make a motion to reconsider.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

There's a motion to reconsider 1449 and a second. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

I'll oppose the reconsidering.

**LEG. ALDEN:**

Opposed.

**LEG. CRECCA:**

Opposed.

**P.O. CARACAPPA:**

I'll oppose the reconsidering.

**LEG. BINDER:**

Roll call.

**P.O. CARACAPPA:**

Roll call on the reconsidering.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. VILORIA • FISHER:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes to reconsider.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Pass.

**LEG. NOWICK:**

No.

**LEG. CRECCA:**

Pass.

**LEG. ALDEN:**

No.

**LEG. BISHOP:**

Yes. Yes to reconsider.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

No to reconsider.

**LEG. O'LEARY:**

Pass.

**LEG. SCHNEIDERMAN:**

With all due respect to my colleague, I'll move to reconsider, but I don't think it will change my vote.

**LEG. CARACCILO:**

No.

**LEG. SCHNEIDERMAN:**

Don't worry, it won't change my vote.

**D.P.O. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**LEG. CRECCA:**

No.

**LEG. O'LEARY:**

No.

**MR. BARTON:**

Eight.

**P.O. CARACAPPA:**

Moving on. ***1509 (Amending the 2004 Operating Budget and transferring funds for William Floyd Community Summit and for South Country Community Ambulance).***

Motion by Legislator O'Leary.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1513 (Establishing a Storm Drain Pollution Remediation Program and amending the Operating Budget).*** Motion by Legislator Bishop, second by Legislator Carpenter. All in favor?

**LEG. LINDSAY:**

Are you tabling this?

**P.O. CARACAPPA:**

1513.

**LEG. LINDSAY:**

Dave, are you tabling this?

**LEG. O'LEARY:**

I thought it was tabled.

**P.O. CARACAPPA:**

Oh, David, it needs to be tabled, 1513?

**LEG. BISHOP:**

Yes.

**P.O. CARACAPPA:**

Okay.

**LEG. O'LEARY:**

Second on the motion to table.

**P.O. CARACAPPA:**

Motion to table by the sponsor, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

I'll slow down a little bit. 15 •• I'll slow down. I thought you guys were with me. **1551**  
**(Amending the 2004 Operating Budget to transfer funds from the Suffolk County**  
**Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension in**  
**partnership with Suffolk County Department of Public Works for "Suffolk County**  
**Stormwater Phase II Program implementation").** Motion. Is there a motion on 1551?

**LEG. FOLEY:**

Motion.

**LEG. BISHOP:**

Motion to table.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

Motion to approve by ••

**LEG. LINDSAY:**

On the question.

**LEG. CRECCA:**

On the motion.

**P.O. CARACAPPA:**

Hold on a second. There's a motion to approve by Legislator Foley, second by Legislator Vilorio •Fisher. On the motion, Legislator Lindsay.

**LEG. BISHOP:**

I have a motion to table.

**P.O. CARACAPPA:**

There's a motion to table, and is there a second?

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. On the motion, Legislator Lindsay.

**LEG. LINDSAY:**

I heard the testimony about this program, and, basically, what it is is to restore the scallops to the Peconic Bay. It seems like a very worthwhile program. My question is to Budget Review. The amount •• that's not the resolution?

**LEG. CRECCA:**

This is the Phase II. The scallop one was tabled in committee.

**LEG. LINDSAY:**

It was. Okay. Then I'm ••

**LEG. CRECCA:**

The is Phase •• if I can just explain, because ••

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

•• it was confusing. There was a lot of 477 bills that were on before the Budget and Finance Committee. This one, the money's coming out, just so everyone's clear, the reserve fund balance in Fund 477, which is the Water Quality Reserve Fund, which comes out of the quarter percent sales tax.

**LEG. BISHOP:**

Surface Water Fund.

**LEG. CRECCA:**

Surface Water Fund. Thank you, David. This is 379,000 to Cornell. This is for the Education Program. It's part of a 1.8 million dollar over a number of years that's going to Cornell to help administer storm water remediation, and I believe this deals with the education portion of it, to go out and educate elementary schools and things like that. That's my understanding. I would certainly defer to anybody from the department or Budget Review.

**LEG. LINDSAY:**

I still didn't want to yield my time, though, because my ••

**LEG. CRECCA:**

Oh, I'm sorry.

**LEG. LINDSAY:**

That's all right.

**LEG. CRECCA:**

My question was to Budget Review of how much money we have in this account, because it's the same source that we want to do the storm water filters, which •• the storm drain filters, and I don't want to overspend that account. We have a reserve account there specifically earmarked to clean up the bays and the runoff into the bays, and I want to make sure it's spent

expeditiously.

**MR. SPERO:**

Why don't you move over this one and I'll find out at lunchtime what the account balance is.

**LEG. LINDSAY:**

I think it's really important. I'd like to pass over it, then.

**LEG. ALDEN:**

I have another request, then.

**P.O. CARACAPPA:**

Well, Legislator Alden's on the list. Go right ahead.

**LEG. ALDEN:**

If you're going to just look at the fund balance, Jim, could you also look at the purpose, because I believe that that's a reserve account that is put aside to rebuild Bergen Point. That's the same account, 477?

**MR. SPERO:**

No.

**LEG. ALDEN:**

All right, good. Okay. So we need a purpose on that account, the, too.

**P.O. CARACAPPA:**

All right. We'll skip over it. ***1559 (Amending the 2004 Operating Budget transferring funds for landscaping at Green's Creek County Park).*** Motion by Legislator Lindsay.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? Abstentions?



**MR. BARTON:**

18.

**ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY**

**P.O. CARACAPPA:**

***1187 (Directing the County Comptroller to conduct an audit of the Suffolk County Industrial Development Agency (IDA)).***

**LEG. NOWICK:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Nowick.

**LEG. ALDEN:**

Second.

**LEG. COOPER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Alden.

**LEG. FOLEY:**

Just on the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. As in committee, I had asked the Chair, I had asked •• and the sponsor, Legislator Nowick. Originally, I've been supportive of this resolution from its first iteration, where it would go back, I think, three years when it was originally introduced. And

just for the record, it's been amended to one year, Legislator Nowick?

**LEG. NOWICK:**

Excuse me?

**LEG. FOLEY:**

It's been ••

**LEG. CRECCA:**

I apologize, I was talking to her ••

**LEG. FOLEY:**

It's okay.

**LEG. CRECCA:**

•• Legislator Foley, I had a question for her.

**LEG. FOLEY:**

As I said, I've been supportive of this since the time you originally sponsored ••

**LEG. NOWICK:**

Yes. We spoke about that in committee, Legislator Foley. The reason that it is the one•year is because, frankly, the expense of an audit and the expense to the IDA. Of course, the IDA has passed its own resolution requesting the audit for itself. Everybody's in compliance. This is basically to have the IDA to prove their wonderful reputation they already have, in light of the past newspaper articles, Nassau County. Of course, if anything is not in order, we can go back further.

**LEG. FOLEY:**

As much as I support going back three years, I will support this particular resolution. Thank you.

**LEG. NOWICK:**

Thank you, Legislator Foley.

**P.O. CARACAPPA:**

It's 12:30 and we're going to break for lunch. I would ask •• I would ask everyone to just stick around and quickly come forward, so we could take the annual Legislative photo.

**LEG. NOWICK:**

Did we vote on it?

**P.O. CARACAPPA:**

No. We're going to skip over it until after lunch. We will return at 2:30 for public hearings.

***[THE MEETING WAS RECESSED AT 12:31 P.M. AND RESUMED AT 2:33 P.M.]***

**P.O. CARACAPPA:**

Good afternoon. Start the public hearing portion of today's meeting. Mr. Clerk, affidavits of publication, they're in proper order?

**MR. BARTON:**

Yes, they are, Mr. Chairman.

**P.O. CARACAPPA:**

Thank you. First public hearing. First public hearing, ***Charter Law creating Taxpayer Office of Inspector General, 1070.*** Is there a motion?

**LEG. CARACCILOLO:**

Motion to table.

**P.O. CARACAPPA:**

Motion to recess by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions? 1070 is recessed. ***1211 • Authorization of alteration of rates for North Ferry.***

**LEG. CARACCILOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Unless there's a speaker or two •• are there?

**P.O. CARACAPPA:**

One speaker.

**LEG. CARACCIOLO:**

Okay. Then, after we hear from the speaker or speakers, I'd like to make a motion to close.

**P.O. CARACAPPA:**

Very good.

**LEG. CARACCIOLO:**

Discharge from committee and vote for its approval.

**P.O. CARACAPPA:**

Okay. Just have the •• have that distributed and we'll take it from there. Edward Barr.

**LEG. SCHNEIDERMAN:**

Just for the Legislature's edification, there has been an amended petition filed, so there are some changes to the original thing. And I'm not sure, maybe that's what Mr. Barr will talk about.

**MR. BARR:**

Yes, good afternoon now.

**LEG. LINDSAY:**

It's not on.

**LEG. ALDEN:**

Turn on the mike.

**MR. BARR:**

On now? Yes. Good afternoon. I'm Ed Barr, President of North Ferry. Julie Ben•Susan and Bridg Hunt, the General Managers of North Ferry, are a few minutes ago at least still stuck in a traffic jam on 495, will be here later. But I'm happy to answer any questions that you might have subsequent to my remarks.

Since North Ferry saw all of you last, we have been working with our East End Legislators, Mr. Caracciolo and Mr. Schneiderman, to make some adjustments to our tariff. These should be in your package in the form of a corrected copy. On June 1, we walked that through the Public Work and Transportation Committee, and we believe that we achieved consensus there. We're very thankful when at the end of the meeting there was an indication that it would be discharge from committee following the close of the public hearing.

Time is very critical to our new boat project that's hanging in the balance. It takes us close to a year to construct 130 foot steel vessel, and the yard builds them only one at a time. They have held our slot open on trust, and based on our paying an advance to keep the project moving forward. As we speak, they are fabricating the construction jig for the boat. And I have to say that without the rate increase at this time, both the project and those monies will be foregone by us.

So we respectfully ask for your approval here today and thank you for your attention.

**P.O. CARACAPPA:**

Thank you very much. There's a motion to close by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? 1211 is closed, and that bill would be distributed.

**LEG. CARACCIOLO:**

Okay. Mr. Chairman, while we're waiting for the resolution to be distributed, first, I'd like to thank my colleague to the left who represents the South Fork, Jay Schneiderman, for working very close, as Mr. Barr indicated, with both the ferry company and myself to ensure fairness and equity for all ferry users that reside on the East End in particular.

Secondly, I'd like to just put on the record from Kevin Duffy, who's our Budget Review Analyst who oversees the fare increases for ferry companies in my district, some information, so that the record is complete with respect to what •• what has transpired with this ferry company over the last two years. And as I've indicated at a previous public hearing, the ferry •• North Ferry Company has come a very, very long way in meeting the needs, not only of the residents of Shelter Island, but really as a regional transportation •• part of a regional transportation network. They have vastly improved ferry time, reduced waiting time on the North Fork for those who frequent our East End during the height of the tourist season, which is now underway.

And let me add emphasis that I think it's very important to move forward on this resolution today, because that season did kick off last weekend. And any further delay, as Mr. Barr has eluded, would cost unnecessary inconvenience in the future to the addition of a second large ferry boat with a capacity of 25 vehicles, versus the current fleet, with the exception of the new boat that went into service last year, which is also a 25•vehicle passenger car ferry.

It's critical that we have this infrastructure in place. But what I'd like to ask Mr. Duffy is since •  
• when was the last time North Ferry received a fare increase?

**MR. DUFFY:**

North Ferry received their fare increase last time in 1997.

**LEG. CARACCILO:**

And since 1997 to the present, the CPI has increased by percentage?

**MR. DUFFY:**

Approximately 19%.

**LEG. CARACCILO:**

With respect to the fears that residents of Shelter Island would be called upon to pay in the future, not on a percentage basis, because those numbers are always skewed, but on a dollars and cents basis, what does the fare structure •• what is the change in the fare structure?

**MR. DUFFY:**

For •• when you're talking just about the Shelter Island residents have a variety of tickets that they can purchase, there are commutation tickets, which are going for a single ride for the five •day resident, it will go from •• it translates into a two dollar and twenty percent •• \$2.20 ride. A six•day resident will go up •• will be \$2.16.

**LEG. CARACCILO:**

Okay. Under the current fare structure, it's \$1.80 and 2.10 respectively?

**MR. DUFFY:**

Correct.

**LEG. CARACCCIOLO:**

Okay.

**MR. DUFFY:**

So it's ••

**LEG. CARACCILO:**

I think that's important, Mr. Chairman, for those who would take information and try to, you know, make it appear as though on a percentage basis this is an inordinate increase when, in fact, residents of Shelter Island, the North and South Forks, now can vastly improve their travel time between the forks and elsewhere on the East End, by virtue of the new addition of the 25 ferry vessel and the addition, hopefully, next year, which is now in contract, of a second vessel.

Time is money. For residents of Shelter Island, when they need supplies or they order some basic needs, whether it be the businesses on the Island or homeowners who bring in building supplies and other materials, there's a cost associated with a vendor, a contractor, waiting on a ferry line and that typically results in a direct tariff, if you will, to that resident or business owner, because time is money and businesses are going to charge, pass along that increase.

So, I enthusiastically support this proposal. I can also put on the record that I have not heard from, I think •• Lisa, how many residents were •• contacted us that were in opposition?

**MS. KEYS:**

One hand.

**LEG. CARACCILO:**

Yeah, about five or six people. So I think it speaks volumes to the recognition by East Enders, and particularly Shelter Islanders, that they appreciate the service improvements and look forward to more of the same in the future. Thank you.

**P.O. CARACAPPA:**

Well, before I recognize you, Legislator Schneiderman, unless it's •• unless it's •• the public hearing's closed, so, if you have comments, I'd ask that you make them available when we debate the bill, unless you have a question.

**LEG. SCHNEIDERMAN:**

No, I can wait. It would have only taken a minute.

**P.O. CARACAPPA:**

If it's brief go right ahead, because we're cutting into the public's time here.

**LEG. SCHNEIDERMAN:**

Further, I wanted to thank the Legislature for giving the extra month to try to get some of my questions answered with North Ferry. And I very much want to thank North Ferry for coming to my office and trying to work these things out. And I really appreciate the concessions they have made, because I think they're significant for the residents of both the North and South Fork, particularly those who use it frequently. The commuters who don't live on Shelter Island, but commute to Shelter Island, there is significant reductions now in those tickets, the discount books, significant reductions in the price that had been in the original rate petition for both the round•trip books of ten and the one•way trips, books of ten. The SUV fees are reduced. There was a SUV fee for all SUVs over 6,000 pounds, and now that cap has been brought to 7,000 pounds, which a lot more of SUVs won't be hit with that one dollar fee, so it's significant. And I thank North Ferry for listening to what I had to say and for working with me on this.

**P.O. CARACAPPA:**

Legislator O'Leary.



**LEG. O'LEARY:**

Yes, Mr. Chair, rather briefly. 1211 has been closed. Has there been a necessary motion made for purposes of addressing this at this date by the full body?

**P.O. CARACAPPA:**

There's going to be •• the resolution's going to be distributed and a motion to discharge is going •• is forthcoming, as soon as that resolution is distributed.

**LEG. O'LEARY:**

Thank you.

**P.O. CARACAPPA:**

Hearing no other speakers, moving on. ***1223, a Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner.*** I have no cards. Anyone wishing to be heard on this matter? Is there a motion? Oh, I'm sorry. I'm sorry. Come on up. I don't have a card on it.

**MR. FILLYAW:**

That's Okay. Thanks for letting me speak.

**P.O. CARACAPPA:**

Just state your name.

**MR. FILLYAW:**

Leonard Fillyaw, sir. I would like to see this go to committee, because I have a lot of research done on the political lines drawn over the last decades. And I would like to see it go to committee, so it can be examined, and I can bring people forward to support this particular issue, because it's of vital interest to the minority community, especially African•American community. It gives better political equality to the people.

So, what I'm asking today is that I've done research for the Puerto Rican Defense League, I've been to court, and there's strong evidence that I'd like to share with the members here that we should support this, because it makes government better for all people. So, that's what I want to speak on. It's very important that I give •• bring all this evidence to you in committee, so you can really see how important it is to all our citizens, especially minorities have some

political equality. So, it's •• that's what I'm asking right now. It's very important, sir. Thank you.

**LEG. MONTANO:**

Mr. Speaker.

**P.O. CARACAPPA:**

Are there any speakers on this? Legislator Montano.

**LEG. MONTANO:**

Yes. Just so you know, Mr. Fillyaw, the committee meeting is scheduled before •• this bill's before Ways and Means on Tuesday at 9:30. I think we discussed that earlier.

**MR. FILLYAW:**

Yes, sir. Yes, sir.

**LEG. MONTANO:**

Thank you.

**P.O. CARACAPPA:**

Is there a motion to close?

**LEG. MONTANO:**

Motion to close.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion to close by Legislator Montano, second by Legislator Foley. All in favor? Opposed? Abstentions? 1223 is closed.

Moving on to ***1236, Approving rates established for Davis Park Ferry.*** I have no cards. Anyone wishing to be heard on this matter?

**MR. DUFFY:**

The Davis Park Ferry should be recessed, because they still have not supplied us with the audited financial statements.

**P.O. CARACAPPA:**

Motion to ••

**D.P.O. CARPENTER:**

Motion to recess.

**P.O. CARACAPPA:**

Motion to recess ••

**LEG. FOLEY:**

Motion to recess.

**P.O. CARACAPPA:**

•• by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed? Abstentions?  
1236 is recessed.

**P.O. CARACAPPA:**

**1362 • Approving cross bay license for Bayard Marine Corporation. (P.O.).** I have a card, Barbara M. Weltsek.

**MS. WELTSEK:**

Good afternoon, members of the Legislature. My name is Barbara Weltsek and I'm of counsel to Tony's Barge Service, Inc. out of the Sayville. I'm here to speak in opposition to the license application and petition before you for Bayard Corporation.

First and foremost, I think this body has the right to know that Bayard has, in fact, been operating for hire since at least March without the benefit of this •• of this body having passed on its petition. Since that's the fact, I believe it has to go back to Budget Review, and those books have to be open for at least three months, and there should be a financial review of it. Director Spero had, indeed, issued a waiver of that requirement based on representations from

the principal, Mark Stang, who had said they were not operating. I have, if you •• I think packets were distributed, memorandum that I've done. I have an affidavit from Captain James O'Shea of the Irvington, who has spotted the Bayard operating at least 13 times, once with a propane tank, across the Great South Bay. An entire truck of propane has gone at least twice across the Great South Bay without this body having issued a license to that ferry company. If you turn to the very back of your packet, you can see a picture of it. It clearly shows that it's the Pearl Graham, which is the vessel for consideration by this body. It shows an enormous propane truck. It also shows a garbage truck of Stang Landscaping Corporation.

There were two lawsuits, which I represented parties to, one in 1999 and one in 2002, and they were both determined by Judge Kitson, and it's more further detailed and copies of those decisions are included in the memorandum I've submitted to you. In both those decisions, in '99 and 2002, the court found that Stang Landscaping, who has the same principal as Bayard, who's before you, has, in fact, conducted business prior to obtaining proper licenses, not the least of which includes a ferry license for a vessel called The Shamrock that it's used to transport refuse and waste across the Great South Bay, not to mention the fact that this is a misdemeanor.

So, you have an applicant coming before you operating a full blown business, asking for you to give him a license, having misrepresentations in his petition, and not waiting for you to determine if he should have this license. And I think it's alarming, to say the very least, that both garbage and propane are the nature of the freight that's being shipped.

Everything I've said to you, and a little more, is in the memorandum of law. And I know this body has an enormously tight schedule, and unless you have questions for me, I won't take up any more of your time.

**P.O. CARACAPPA:**

Legislator Alden has a question.

**LEG. ALDEN:**

Hi. And you're from the law firm of?

**MS. WELTSEK:**

Me, Barbara M. Weltsek.

**LEG. ALDEN:**

And you represent who?

**MS. WELTSEK:**

Tony's Barge Service.

**LEG. ALDEN:**

Okay. Thank you.

**P.O. CARACAPPA:**

Thank you.

**MS. WELTSEK:**

Thank you.

**P.O. CARACAPPA:**

Having no other cards on this matter, anyone else wishing to be heard? Step forward. State your name.

**MR. STANG:**

Mark Stang. I'm the principal of Bayard Marine, also the principal of Stang Landscaping and Stang Carting. I haven't seen the package that was distributed, but I could imagine. The boat has been in service, propane truck and refuse trucks have been on board. It has not been operated for the public yet. We have to keep working. We have contracts with municipalities at the beach. So, the boat is operational, it is certified by the Coast Guard, it's been operated and fully manned properly, and it has crossed the bay numerous times.

**P.O. CARACAPPA:**

Questions? Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. Mr. Stang, so what you're saying is that the vessel in question has been operating for your own use in your other businesses?

**MR. STANG:**

For my use and for the propane company, yes.

**LEG. LINDSAY:**

Okay. But the propane company isn't your business?

**MR. STANG:**

No, it isn't.

**LEG. MYSTAL:**

Mr. Chair.

**P.O. CARACAPPA:**

You're being compensated for those crossings; correct?

**MR. STANG:**

We have not yet, no.

**P.O. CARACAPPA:**

You charge us a fee for those crossings, the propane truck?

**MR. STANG:**

Yes.

**P.O. CARACAPPA:**

Legislator Viloría•Fisher?

**LEG. VILORIA•FISHER:**

I just wanted to ask Counsel, with regards to the former •• the previous presentation and Bayard, when we provide approvals here, what are the parameters of those approvals? What, in fact, are we approving? And we see here photographs of the Pearl Graham in the Great South Bay. In order to perform the Services or the activities that are demonstrated in these

photographs, did the Bayard Company need our approvals to perform these activities?

**MS. KNAPP:**

I was distracted for a moment, so I hope that I can answer this fully. If Bayard Marine was transporting for their own refuse business, which I understand that they are also in the refuse business, they would not need a license from us, because they would not be for hire, they would not be a ferry, they would be simply transporting for their own business.

**LEG. VILORIA • FISHER:**

Okay. But I believe •• I'm sorry, sir, I don't remember your name.

**MR. STANG:**

Mark Stang.

**LEG. VILORIA • FISHER:**

Mr. Stang.

**MR. STANG:**

Right.

**LEG. VILORIA • FISHER:**

Mr. Stang, I believe, has represented that he has also provided services for a propane company, although he hasn't been •• he hasn't received payment for that service yet; is that •• is that a correct representation, Mr. Stang?

**MR. STANG:**

That's correct, yes.

**LEG. VILORIA • FISHER:**

Now, could he do that without having been issued or provided a license from us? I don't know.

**MS. KNAPP:**

If he is a for hire transport, then he becomes a ferry. I •• you know, again, these are very difficult hairs to split, if he carries something for a friend or an acquaintance, or something, but if he's for hire, he's a ferry.

**LEG. VILORIA • FISHER:**

Okay. Thank you.

**D.P.O. CARPENTER:**

Legislator Mystal.

**LEG. MYSTAL:**

Mr. Stang, hi. Right here. Mr. Stang, hello.

**MR. STANG:**

Okay.

**LEG. MYSTAL:**

One simple question. The assertion that the attorney just made, that you have been operating without a license, simple answer, is that true or not true?

**MR. STANG:**

We have not gotten a license from the County yet, that is true.

**LEG. MYSTAL:**

And you've been operating anyway?

**MR. STANG:**

Yes. I was told by an Assistant Clerk that •• we applied here last August.

**LEG. MYSTAL:**

An Assistant Clerk, from where?

**MR. STANG:**

Well, I forget what his job title was •• is.

**LEG. MYSTAL:**

From the Legislature?



**MR. STANG:**

Yes. Mr. Duffy. That if we are only operating for our own use and we're not public, we had our customers on deck, that we would not have to form Bayard Marine Corp. It was only formed for the purposes of getting this cross bay license. We are not •• it is an extension of what we have been doing and have been doing for years, but we had to get incorporated under Transportation laws, and all this other stuff. That's why we're before you today, trying to move forward and dot the I's and cross the T's, trying to be able to •• you know, if you want us to transport something, we'd •• after this is over, we'd be allowed to; up until now, we have not.

**LEG. MYSTAL:**

But you just •• I think you just admitted that you've been transporting for a company that delivers propane tank that is not you're company, but you've been doing that anyway. You haven't been getting paid, but they've been charged, so they owe you the money. So, in other words, a service have been rendered by your company.

**MR. STANG:**

Right.

**LEG. MYSTAL:**

In other words, you did that without a license. It's like me driving a car and saying, "Okay, I'm going to drive the car, don't have my license yet, but I've applied for one, and as soon as I get it, I'll show it to you," when the cops stop me.

**MR. STANG:**

Right.

**LEG. MYSTAL:**

Okay.

**LEG. LOSQUADRO:**

Madam Chair.

**D.P.O. CARPENTER:**

Are there •• Legislator Losquadro.

**LEG. LOSQUADRO:**

So, sir, Mr. Stang, I don't necessarily understand the distinction. If this money is in your accounts receivable or if it has already been already paid to you, as Legislator Mystal pointed out, services have been rendered, and if you are owed money or you have been paid money, I don't think it makes a difference. You have contracted with •• it appears as though you have contracted with a business other than your own to provide services to them, and I don't see a distinction whether or not it's in your accounts receivable or whether or not it's already been paid to you. So, if we could get a decision on whether or not that is in violation of the laws of this County, I'd appreciate it.

**D.P.O. CARPENTER:**

I don't know if Counsel would care to comment on that, having just received the paperwork on this.

**LEG. LOSQUADRO:**

That's fine.

**D.P.O. CARPENTER:**

You'd prefer to wait until you have an opportunity to review it.

**LEG. LOSQUADRO:**

Absolutely.

**D.P.O. CARPENTER:**

That makes sense. Are you done, Legislator Losquadro?

**LEG. LOSQUADRO:**

Yes.

**D.P.O. CARPENTER:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. I'd like to hear from Mr. Duffy about the other particulars about Mr. Stang's application.

**MR. DUFFY:**

Well, my recollection of what I indicated to him was that if he was transporting just his own equipment as part of his business, then he would not need a ferry license. If he was holding himself out to the general public for hire to transport for other companies or general public, then he would be required to have a ferry license.

**LEG. LINDSAY:**

But that isn't what I asked you, Mr. Duffy. Is the rest of the application in order?

**MR. DUFFY:**

Well, there are questions. I had •• in our report, we raised questions about two of the consents, because when I looked at the consents of Ocean Beach and one other, they indicated that they were only providing a consent for Stang Carting, not for general transportation of a ferry, and we raised that as a question in our report. So, the applicant would either have to do one of two things, we'd either have to get another consent, which would allow him to operate as a ferry, not just as Stang Carting, or else he would have to amend his application and in his resolutions deleting those destinations from his license.

**LEG. LINDSAY:**

So, the application isn't ready to move forward at any rate.

**MR. DUFFY:**

I am not aware that there have been either amended resolutions submitted or additional consents have been submitted, so you would have to recess it.

**LEG. LINDSAY:**

I'll make a motion to recess the hearing.

**D.P.O. CARPENTER:**

We have a motion to recess. Is there a second?

**LEG. VILORIA • FISHER:**

Second.

**D.P.O. CARPENTER:**

We have a motion and a second to recess the hearing. All those in favor? Opposed? The hearing on 15 •• 1362 is recessed.

Next hearing is **1364 (Authorization of rates for Bayard Marine Corporation for Cross Bay License within the County of Suffolk)**. And we do have a card, Barbara Weltsek.

**MS. WELTSEK:**

Good afternoon. It's me again. As to the consents, I raised in the •• I have evidence in the documents I sent you that, ironically, the two ports that have questionable consents are, indeed, the ones that Bayard has been documented traversing to and from. But the chutzpah award goes to the fact that he has been seen landing with the propane truck at Fire Island Pines dock, and the Fire Island Pines Property Homeowners Association have not provided him with a consent valid or otherwise. So, what we have here before us is all of his landings having been wholly illegal, because he hasn't had consent from anyone.

And if this hearing is going to be held open, I know that I can provide this body with an affidavit that will substantiate at least 60 more sightings with more propane.

I also would like to just •• with all due respect to Attorney Knapp, I have a difference of opinion on a legal question that was posed here. The question was whether or not Stang Company can use Bayard if it's solely for his own business. It is a fine hair, how many angels dancing on a pin, but here's how it should be determined. When Bayard takes Stang's empty garbage trucks and empty scooters over to the beach, then he's working for himself. The minute he picks up everybody's garbage pursuant to a paid municipal contract, he's hauling freight back. Those trucks are no longer empty, that garbage is his freight that he's being paid by a municipal contract to haul back. He needs this license to perform that duty. He needs that •• you can't have the license and say, "I don't need the license for half the job, I'm going over half empty." He needs the license to perform his municipal contracts. And, in fact, he's in breach of those contracts, because they state straight in them he needs a Suffolk County ferry license.

And, as I said, this petitioner has a history since 1999 of operating without licenses. He was

told in '99, "Get your licenses." Didn't bother getting those exact licenses in 2002, and continues today with that pattern of operating without a ferry license.

This entire proceeding is a mockery unless this matter is held open. He has to come back now and give you all his paperwork. He should give you his Coast Guard log, which by law he has to maintain, since he admitted here he is operating. The United States Coast Guard mandates anyone operating a vessel to maintain a log, which puts in there where they went to, where they want from, what their purpose was with the date and time every single day. This body has the right now to look at that log and see what kind of businesses he's really operating. He's admitted to the garbage and the propane, but we don't have somebody following him all the time. We might have this, but we don't right now.

I really think this body needs to look at this application and the applicant and its history from the ground up. He's admitted he's operating without a license. He's going to continue to operate without this license. This is not a pro forma resolution right. This license confers a major legal right upon the body that serves the people of Suffolk County, and they have the right to know that you're going to treat all other applicants the same, not let people ride all over the Great South Bay with enormous trucks of propane, unlicensed, and that you're going to demand that the people who do business in Suffolk County do it lawfully. That's what this body has been elected to do and I'm sure it's going to do it well.

**D.P.O. CARPENTER:**

Thank you.

**P.O. CARACAPPA:**

Legislator Lindsay, do you have a question for ••

**LEG. LINDSAY:**

Kind of, yeah.

**D.P.O. CARPENTER:**

All right.

**LEG. LINDSAY:**

I just really wanted to have a dialogue with the speaker. Ms. Weltsek, we know what our duty

is here. This •• we've recessed the first hearing, we're going to act on this one. What it means to recess, it still keeps it open. Nobody's moving forward with anything. We want to look at it more. Budget Review still has some questions. So, when you lecture us about our duties, we know what our duties are and we're carrying those duties out.

**MS. WELTSEK:**

I meant no disrespect, sir. I thought I was ••

**LEG. LINDSAY:**

Well, that's how it came across.

**MS. WELTSEK:**

•• practicing zealous advocacy.

**LEG. LINDSAY:**

Now, let me ask you a question.

**MS. WELTSEK:**

I certainly did not mean to lecture this body.

**LEG. LINDSAY:**

You represent Tony's Carting?

**MS. WELTSEK:**

Tony's Barge Service.

**LEG. LINDSAY:**

Oh, it said •• on the card, I thought it said Tony's Carting.

**D.P.O. CARPENTER:**

No, it says Tony's Barge Service.

**LEG. LINDSAY:**

Okay.

**MS. WELTSEK:**

Yes, sir.

**LEG. LINDSAY:**

Are you in competition with Stang?

**MS. WELTSEK:**

They are, indeed, a competitor of ours ••

**LEG. LINDSAY:**

Okay.

**MS. WELTSEK:**

•• who should be given the same level playing field as we are.

**LEG. LINDSAY:**

So, you ••

**MS. WELTSEK:**

We want everyone in the business ••

**LEG. LINDSAY:**

You have a license to operate on the bay?

**MS. WELTSEK:**

Yes, sir, we do.

**LEG. LINDSAY:**

Okay. And you're also a carting company?

**MS. WELTSEK:**

Yes, sir, we have been for 50 years.

**LEG. LINDSAY:**

Okay.

**MS. WELTSEK:**

And I meant no disrespect, sir. I was simply being zealous for my client.

**D.P.O. CARPENTER:**

That is certainly obvious. Thank you. Legislator Cooper, did you have a question?

**LEG. COOPER:**

I just had one question for Counsel. What is the penalty for a ferry company for operating without a license? What penalties can accrue?

**MS. WELTSEK:**

It is a misdemeanor under the Navigation Law.

**D.P.O. CARPENTER:**

Excuse me. It really is most inappropriate to speak from ••

**MS. WELTSEK:**

I'm sorry.

**LEG. CARPENTER:**

No. Your time is up.

**MS. KNAPP:**

I would like to check the law. There may be •• there may be some penalties in our code, in addition to whatever penalties may be in the Navigation Law. I'd like to check.

**LEG. COOPER:**

Okay.

**D.P.O. CARPENTER:**

Okay. We have no more cards on this hearing. I think, in light of the conversations that have



gone on and the questions that have been asked ••

**LEG. LINDSAY:**

Motion to recess.

**LEG. FOLEY:**

Second.

**D.P.O. CARPENTER:**

•• motion to recess would be in order by Legislator Lindsay, second by Legislator O'Leary. All in favor? Opposed? The hearing on 1362 is recessed •• actually, 1364.

**1421, Brian Kelly. This is a public hearing on the proposed increase and improvement of facilities to the Southwest Sewer District Number 1 • Port Jefferson.**

**MR. LYON:**

Hi, Ms. Carpenter. My name is Mark Lyon. I'm a Trustee in the Village. Mr. Kelly was holding my position for me. I'd like to speak to the Legislature, if that's possible. I have a card in there also.

**D.P.O. CARPENTER:**

Actually, it's not permissible to hold a spot, but I do see your card, so go right ahead.

**MR. LYON:**

Thank you. I appreciate that.

**D.P.O. CARPENTER:**

No problem. You have five minutes.

**MR. LYON:**

I know that the Agency, the Sewer Agency has •• had some extensive hearings on this matter, and we've been advised that there are going to be certain procedures put into place, but I just would like to go over a few of them right now, just to make sure that I'm clear on exactly the position of this body.

One of the first points is access to the site during construction we understand is going to be done through the KeySpan property. There's going to be some additional space leased by the County from KeySpan for the construction of this facility. By the way, we are very much in favor of this, and we've been working very hard with the County DPW to make this become a reality. It's been about ten years in the offing, and thank goodness it's finally getting done.

But we are also concerned about traffic on Beach Street with the trucks that •• the trailers that you folks bring in and out. I understand that there probably will be less of that with the upgrade of the plant, but we would like to try and have those trucks, if at all possible, access the site through the KeySpan parcel in perpetuity, if that's at all possible. I know that KeySpan's very nervous about homeland security and issues of that nature, but we would like to see if you could make them try and could explore that possibility and bring them together, so we can get those additional trucks off of that street. It is a very residential street and it does have an impact.

Also, I hope that there are not going to be •• this plan is not going to be, with the upgrade, available to scavenger waste operators. I hope that's going to be a prohibition, because we don't need any additional trucks on that road. So, that's another point that I would like to bring up. And it's very important that that does not become an issue with this plant's upgrade, because we cannot really stand anymore traffic on this street. It's very narrow and it's very difficult to traverse for the residents as it is.

And one last thing. I'm not clear as to whether the outfall pipe is going to be extended out further into the harbor, because, at the moment, it's about 50 feet off the beach at mean low water, and it does cause quite an unsightly issue with boaters and people who are walking along the beach in that area. So, if that could at all be included in this, we certainly would like to see if the money could be put in to make that become a reality also. And this plant was initially upgraded some 30 years ago. That was supposed to have been part of the upgrade and it never happened. That's something that we would like to see also happen in the Village.

That concludes my comments, and I thank you very much for taking the time to hear us.

**LEG. VILORIA • FISHER:**

Thank you, Mark.

**D.P.O. CARPENTER:**

Thank you, Trustee Lyon. Do we have a motion to close?

**LEG. O'LEARY:**

Motion to close.

**LEG. VILORIA•FISHER:**

Second.

**D.P.O. CARPENTER:**

Motion to close by Legislator O'Leary.

**LEG. VILORIA•FISHER:**

Second.

**D.P.O. CARPENTER:**

Second by Legislator Viloria•Fisher. 1421 is closed. Next public hearing is **1454, a Local Law establishing Anti•Corruption Act for County contracts**. I have no cards on this public hearing. Is there anyone who wishes to address the Legislature on this? Legislator Cooper, what is your pleasure on 1454?

**LEG. COOPER:**

Motion to close, please.

**D.P.O. CARPENTER:**

Motion to close, second by Legislator Alden. All those in favor? Opposed? The resolution is •• the hearing is closed.

**1503, a Local Law to jumpstart and accelerate the County's Affordable Housing Program.** We do have a number of cards, speakers on this particular hearing. We will start with Supervisor Horton. And on deck is Jim Morgo.

**SUPERVISOR HORTON:**

Good afternoon.

**D.P.O. CARPENTER:**

And, Supervisor, you have five minutes.

**SUPERVISOR HORTON:**

Do I get detention if I use six?

**D.P.O. CARPENTER:**

Worse than that, you have to stay for the entire meeting.

**SUPERVISOR HORTON:**

All right. I'll make it •• I'll make it three. First, I want to say thank you for having me, and I'm pleased that this public hearing has been hosted. I'll note that the Trustee from Port Jeff was speaking, that outfall pipe happens to be a navigation hazard as well, from personal experience.

I'm here to talk about the affordable housing •• amendments to the Affordable Housing Program. I serve as a member of the Workforce Housing Commission. I'm here as Supervisor of the Town of Southold, resident of the Village of Greenport, and lifelong resident of Long Island.

I'm going to personalize this for a moment. Before •• I'm going to back up to what I was doing before I was Supervisor of the Town of Southold. I was a tugboat captain. I worked as a merchant mariner on a heavy weather offshore ocean•going tugboat. I moved the nation's largest oil barges around our waterways, brought many of you your home heating oil, and I earned \$54,000 a year. I was one of those kids who had a college education, commissioned also in the United States Coast Guard, licensed professional living in a basement on Long Island. I say that to really bring it into perspective as to what this is about.

I am here to speak in favor of the amendments to this bill on three specific items that I think are of the utmost importance. And I would like to note for the record that many of these amendments are also being incorporated into Southold Town's affordable housing zoning.

On the income eligibility, raising the ceiling to 120% of median income for HUD guidelines is an

imperative. Many of your County works, town workers, school teachers, maybe a young family, a two-person family, combined income of \$60,000, and guess what, folks, they make too much money to participate in your Affordable Housing Program. I know it sounds bizarre. It's a travesty and it's got to be corrected, and I think that this legislation will affect that, those necessary changes. However, keeping in mind that the proposal is to ensure that at least 50% of any County sponsored Affordable Housing Project ensure that 50% be made eligible for residents of 80% of median income. You're creating a balance, but we have to cast a wider net, because the family that's making \$65,000 a year makes too much money to participate in the Affordable Housing Program, but far too little money to remain here on Long Island.

The financial flexibility I think is important to build into this program, and I think we have to get away from just looking at acquiring land, and understand that providing financial resources to bring down the overhead of an affordable housing initiative by way of funding infrastructure, be it roads, water, sewer hookups, chrome or glass, even if it's transferring sanitary flow credits, I think those are imperative when it comes to providing further initiatives in their support of truly providing affordable housing.

The mixed income and mixed use, the County is sort of stepping into a little zoning talk there, which the County doesn't really have its hands on, nor the authority to deal with. But, if you give the towns the encouragement to promote mixed use, affordable mixed use, commercial and residential, I think you will see the towns rise to that. I know the Town of Southold has risen to that, and we look forward to promoting affordable housing in smart growth fashion through mixed use land •• you know, mixed land use development.

So those are three, three components that I think are important. I also want to recognize that the Affordable Housing Program that we're talking about was put on the books a few years ago. And I look at this as we're all Legislators. When we pass legislation, we put it in place, we get a few years, see how it takes hold, see how •• you know, test its efficacy, and then we review it, and the time's come to review it. These are monumental changes and they're also housekeeping. So, I think that they're bold enough to recognize, they're subtle enough to swallow, and I have to say they're important enough to vote on when the time comes in order to really put our money where our mouths are and promote affordable housing for the average working person in Suffolk County.

So, thanks for the opportunity to speak here today, and just remember there are a lot of young

professionals out there that everybody thinks have esteemed jobs, educated young people that can't afford to live on Long Island, but make too much money to participate in your program.

**D.P.O. CARPENTER:**

Thank you ••

**SUPERVISOR HORTON:**

Thank you.

**D.P.O. CARPENTER:**

•• Supervisor Horton. Thank you. Next speaker, Jim Morgo, followed by Andrea Rive.

**MR. MORGO:**

Good afternoon. I'm Jim Morgo. I am President and CEO of the Long Island Housing Partnership, and, on occasion, I have been accused of zealous advocacy. But since I •• since I do that, I advocate for Long Island's sons and daughters and the workers, I don't think I will annoy Legislator Lindsay or anyone else. I'm also Chairman of Suffolk County's Workforce Housing Commission. And one of the charges that the Housing Commission was given was to improve Suffolk County's visionary Affordable Housing Opportunities Program that you approved in 2000. Well, most of you who are there approved it in 2000.

The Housing Commission has worked several meetings. We vetted the changes. Two of you, Legislator Schneiderman, Legislator Vilorio•Fisher are members of that Commission, and the Commission endorsed completely the changes that were suggested in 1503.

I'm positive I don't have to tell you the need for homes that are affordable to Suffolk's workers, to Suffolk's sons and daughters, to our children. The Housing Partnership and in 16 years has helped more than 10,000 Long Islanders achieve safe, decent and affordable homes. That's more than 10,000. We haven't done enough, not nearly enough.

I'm sure you have seen the studies about Long Island losing its young, and the fact that we're losing our young at a greater rate than any other region in the United States. I'm sure you have your constituents calling you and telling you that their sons and daughters, that they

themselves cannot afford to live on Long Island. I am, frankly, sick of studies about the need for affordable homes. However, there was a recent study that I want to share with you just one quick quote from, and maybe I would commend it to you as well. It's "Out of Balance, the Housing Crisis From a Regional Perspective", and it's done by the Connecticut, New Jersey, and New York Regional Plan Association, and it looks at the need for housing from an economic development point of view. Let me just quote it quickly.

"A healthy economy provides a balance of affordability, choice and quality, with limited disparities among those of different income levels, race, tenure and age. By these measures, the housing market on Long Island is severely unbalanced, and this will lead to a lack of competition on the economic level."

Legislator Schneiderman, at one of our Housing Commissions, said, "You don't need a weather man to tell you it's raining." Well, in fact, all of you know that we do have this crisis. But what you might not know is home prices on •• in Suffolk County, home prices in Suffolk County rose at a greater rate in the last two years than any one of the 35 suburban counties in the region study by the Regional Planning Association.

Now for the legislation that I said most of you passed in 2000, and it was visionary. That's the good news. The bad news is that it was only used twice. And in its two instances, there were very unusual circumstances. In one •• both of the developments began in 2001. In one of them, Millenium Hills in Melville and Huntington, it will have its 40 low income renters moving in this summer, as well as 44 new homeowners just moving in. The other, Sunnybrook Court in Bay Shore, is 14 new homes. When I say there were unusual circumstances, the •• in Huntington, the land was owned by the municipal housing authority, the Huntington Housing Authority. It's really incorrect to say the development began in 2001, it really began in 1980. But it's a great development. It's a very important development at a very •• in a very important location.

The other, Sunnybrook Court, which Legislator Carpenter not only knows about, but was instrumental in moving it along, is 14 new homes. And that might not sound like much, but these homes are •• and, by the way, I invite you all to come to the •• a lottery for the homes, which will be held on July 14th in Islip Town Hall. They're absolutely beautiful, but their aesthetic beauty goes beyond the homes. We already see in Sunnybrook a neighborhood that was, frankly, troubled, new investment that by the new building that went on, we have new

investment, both commercial and residential.

In this development, the only reason that this moved forward is that we had a builder, Susan Barbash, and you probably know the Barbash Family in Bay Shore, who is completely committed to her community, and she went through, because of the rigidity of the program as it now stands before the changes, incredible torment to get this job developed.

As Supervisor Horton said, the legislation is made more flexible, we'll be able to use it.

I will be glad to answer any questions that you might have, and the Director of Affordable Housing for the County, Marian Zucker, as well as the Director of Community Development, Joe Sanseverino, were both here as well and we worked on that with them on the legislation.

**D.P.O. CARPENTER:**

Thank you very much, Jim. Legislator Lindsay, followed by Legislator Vilorio•Fisher.

**LEG. LINDSAY:**

Thank you, Mr. Morgo, for coming here this morning and sharing your wisdom with us.

**MR. MORGO:**

It's my pleasure, Legislator Lindsay, except it's afternoon.

**LEG. LINDSAY:**

I know.

**MR. MORGO:**

When I started, it was the morning.

**LEG. LINDSAY:**

Yeah.

**LEG. TONNA:**

I heard your booming voice, I had to come in.

**MR. MORGO:**



You should.

**LEG. LINDSAY:**

I was reviewing the legislation, it's quite lengthy, and I'd like to just capsule what this bill actually does? The one thing it does is if something is declared a workforce housing initiative, we can now set aside 50% at 120% of median.

**MR. MORGO:**

Well, actually, it's 100% has to be under 120% of median. At least 50% has to be for folks under 80% of median.

**LEG. LINDSAY:**

Eighty percent, okay. So, that's the one change. Supervisor Horton eluded to us subsidizing mixed income developments for the first time. That was •• that was forbidden before in the program.

**MR. MORGO:**

**That's right.** It had to be everybody had to be under 80% of median. You know, when •• I didn't mention, but for •• when we •• Legislator Lindsay, when we announced that applications were available for Millennium Hills for 44 homes for homeownership, we received 5,000 requests for applications, 5,000. We got about •• we got exactly 1,280 back. Only 526 went into the lottery. You know why? Because people were over income. We had so many folks calling who were saying things like, "There's two of us, we make \$64,000 a year, there's no way we can afford a home on Long Island," but we couldn't let them into the lottery because they were over income.

**LEG. LINDSAY:**

Okay.

**MR. MORGO:**

I'm sorry, you were asking about a mixture •• I mean, mixed income.

**LEG. LINDSAY:**

Well •• so, that's the second major change. For the first time, we will be able to subsidize a mixed income development.

**MR. MORGO:**

Development, correct.

**LEG. LINDSAY:**

I'm a builder, I come forward, I want to put up a development, I'm going to say I'll put aside 20% for affordability. The subsidy is based on the amount in the project that is designated affordable?

**MR. MORGO:**

That's right. And then •• and, Legislator Lindsay, as you know, as your days on the Housing Partnership Board of Directors, the Housing Partnership has worked on mixed income development, Highview at Huntington, for example, in Huntington Station. Half of that is for folks under 80%, the other half is for folks under 100%. Only half the 80% or less receive the subsidy.

**LEG. LINDSAY:**

But the point that I'm making is the larger the set•aside for affordability, the larger the subsidy could be.

**MR. MORGO:**

Absolutely.

**LEG. LINDSAY:**

Okay.

**MR. MORGO:**

Absolutely.

**LEG. LINDSAY:**

And the last thing is, for the first time, this program will now permit County subsidies towards infrastructure improvements?

**MR. MORGO:**

Yeah. That's essential, too, particularly in the unsewered areas of the County, to extend sewer lines, which sometimes infrastructure can knock out a project. For-profit developers can simply raise the rents or raise the selling price. When you have an affordability mandate, you can't do that, obviously, and this will •• some of this can go to infrastructure.

**LEG. LINDSAY:**

So, that's the three major changes in the program? Is there anymore?

**MR. MORGO:**

Yeah, there are other changes. The level of homeownership, the selling price goes some, the Sonymae guidelines. The rentals go up to fair market rent. As I said ••

**LEG. LINDSAY:**

But isn't there covenants, five years on sale ••

**MR. MORGO:**

Oh, yeah, yeah, and ••

**LEG. LINDSAY:**

•• and ten on rentals.

**MR. MORGO:**

Yeah. And the other thing that's good about this is it talks about if any other subsidy is using • being used, pardon me, if any other subsidy is being used, the more restrictive requirements prevail.

**LEG. LINDSAY:**

Okay. Does the other subsidy go towards the overall mix? Say, for instance, I'm building a subdivision, I'm going to declare 50% is going to be affordable, I can get a grant for 50% from the County. Can I also get a federal grant?

**MR. MORGO:**

Yeah, sure.

**LEG. LINDSAY:**

It doesn't count again the mix.

**MR. MORGO:**

No, no. You still, obviously, have to conform to the regulations for whatever grant you're going for. And there are other grants besides federal, there are private sector grants, there are State grants.

**LEG. LINDSAY:**

Okay. Thank you.

**MR. MORGO:**

Thank you. Thank you, Legislator.

**D.P.O. CARPENTER:**

Just a moment, please. I think Legislator Viloría•Fisher may have a question for you.

**MR. MORGO:**

I'm sorry.

**LEG. VILORIA•FISHER:**

Hi, Jim. Thank you for coming down.

**MR. MORGO:**

Hi.

**LEG. VILORIA•FISHER:**

And I do want to publicly state what a terrific Chairman you have been within the Workforce Housing Commission. You really keep us on task and keep •• and you keep it moving. You're doing a great job.

**MR. MORGO:**

Thank you.

**LEG. VILORIA • FISHER:**

But earlier, Supervisor Horton mentioned zoning issues, he mentioned multi-use zoning. How are we addressing that?

**MR. MORGO:**

Well, the Workforce Housing Commission has a committee dedicated to zoning changes, and we have Town Supervisors on that committee. I think that •• I think that •• is Josh still here? I think he may be on that committee, as a matter of fact, but I do know •• I do know there are Supervisors on that committee.

And, as you know, but for the record, what we're attempting at the Commission is not to come up with another study. We're actually attempting to come up with institutional changes that that will streamline the creation of homes that workers can afford, and zoning, obviously, is a key piece of that, as are other things, the transfer of sewer credits, transfer of development rights. So, we're hoping that •• and you also know we've been given more than 251 sites from the different Supervisors and Mayors of municipalities. Hopefully, we will be able to put in place on the local level, obviously, we can't usurp home rule, but we'll be able to put in those zoning changes that will allow for the creating of homes that workers can afford.

**LEG. VILORIA • FISHER:**

And it's key what you just said, that we're not trying to usurp the purview of the towns of villages ••

**MR. MORGO:**

We can't.

**LEG. VILORIA • FISHER:**

•• with regard to zoning. We can't.

**MR. MORGO:**

Yeah. That's why it was important that the Commission has not only Supervisors, but also Mayors on it.

**LEG. VILORIA • FISHER:**

Thank you.

**MR. MORGO:**

Thank you. You know, thank you for your compliments. I was sorry I missed the last meeting. Kevin Law chaired it and I understand he actually allowed people to speak, and I won't let that happen in the future.

**D.P.O. CARPENTER:**

Thank you so much, Jim.

**MR. MORGO:**

Thank you.

**D.P.O. CARPENTER:**

Next speaker, Andrea Rive.

**MS. RIVE:**

My name is Andrea Rive. I'm with the Community Land Trust of Southold. We are a grassroots organization, organized to provide and maintain perpetually affordable housing. The principles of a Community Land Trust are that the Land Trust retains title to the land, and only the structures are sold according to affordable guidelines.

We've reviewed this legislation. Josh •• we've worked with Josh, and Jim, and Ed Miller, and Phillip Beltz from the Town of Southold, and the Community Land Trust is in support of this legislation. Thank you.

**D.P.O. CARPENTER:**

Thank you very much. Next speaker, Phillip Beltz.

**MR. BELTZ:**

Good afternoon. My name is Phillip Beltz. I'm the newly hired Coordinator of Affordable Housing for the Town of Southold, and I strongly support the proposed legislation to accelerate the County's Affordable Housing Program.

The proposed flexibility and streamlining of existing procedures will further the ability of towns to create afford housing. In particular, I would like to commend the Workforce Housing Program's modification to include families whose incomes exceed 120% of the high median income for Suffolk County. This will provide housing to more families who are also priced out of the housing market. And, in particular, this is quite necessary for towns on the East End, where we're talking about there are no homes that are available that are under 500,000. Any questions? Thank you.

**D.P.O. CARPENTER:**

Thank you. Ed Miller.

**MR. MILLER:**

Good afternoon. My name is Ed Miller. I'm the Director of Planning and the architect for Habitat for Humanity of Suffolk.

First of all, I'd like to thank Suffolk County for supporting Habitat for Humanity through the land that is given to the towns is given to us. Number two, I'd like to mention that we help families making 25 to 45,000 in Suffolk County to zero interest mortgages, and we help break the cycle of poverty.

Additionally, I'd like to address and to legislation that calls on construction must be completed and the housing occupied by eligible purchasers within three years. For Habitat, that's a difficulty. But the surveying, the bidding, the grants, Planning Department, Highway Department, Building Department, and us building, using volunteer labor, many times that process takes us five years. That becomes a difficulty for us, and I'd like you to consider that when you're looking at the legislation. Thank you for letting me speak.

**D.P.O. CARPENTER:**

Thank you.

**LEG. VILORIA • FISHER:**

Excuse me.

**D.P.O. CARPENTER:**

Next speaker is ••

**LEG. VILORIA • FISHER:**

Angie.

**D.P.O. CARPENTER:**

I'm sorry, Legislator Fisher.

**LEG. VILORIA • FISHER:**

I'd like to ask a question. Thank you for coming down, Mr. Miller. Habitat certainly does do very commendable work. I was just wondering, how would this impact habitat? You're speaking to a particular provision here that the work must be, from start to finish, must be done within three years.

**MR. MILLER:**

Correct.

**LEG. VILORIA • FISHER:**

But does that •• does that deprive you of receiving infrastructure help from us or land from the County; is that what you're saying?

**MR. MILLER:**

No. The way it's written now, you can •• you have to complete it within years and then you can extend it for two after that. But many times we have difficulty meeting the three, even plus the two, because we are a volunteer organization and not•for•profit.

**LEG. VILORIA • FISHER:**

No, I don't think •• maybe I didn't make my question clear enough. If you don't complete the work within three years, what are the consequences, what happens?

**MR. MILLER:**

If we don't •• if we don't complete it within the time period, the property will go back to the County.

**LEG. VILORIA • FISHER:**



Okay, that was my question. You would not be given the property, the County can't give you the property ••

**MR. MILLER:**

That's correct.

**LEG. VILORIA • FISHER:**

•• if you don't work within that •• those parameters. But once you started the project, does it seem likely that the County would take back the property once you ••

**MR. MILLER:**

No, it hasn't been likely. I just think it's probably unnecessary to have that short a period of time. But, also, you know, Habitat being a volunteer organization, our requirements are somewhat different than others, although it takes a considerable amount of time for approvals for most non•profits to get a project off the ground. So, maybe a little more leniency in that provision would certainly help the bureaucratic process in moving forward and having to go back and relook at it, and that's really what I'm talking about.

**LEG. VILORIA • FISHER:**

Now, I just wanted to know what the consequences would be. I didn't realize that it would mean that you would lose the property itself if you didn't do it within that time. That was my question. Thank you, Mr. Miller.

**MR. MILLER:**

Okay, thank you.

**D.P.O. CARPENTER:**

Thank you. Next speaker, I believe it's Eric Alexander.

**MR. ALEXANDER:**

Good afternoon. My name is Eric Alexander. I'm the Director of Vision Long Island. We're a smart growth planning organization. We also are members of the Workforce Housing Commission. We certainly applaud both the Legislature and the County Executive for making affordable housing and smart growth a top priority in the government process in priorities.

We're excited about that. We do support Resolution 1503 very clearly.

Just to take a step back, we sat on the Smart Growth Committee for two years, which some of us feel maybe that was a little too long, but the Smart Growth Committee came up with five priorities, and the reduction of sewer fees and infrastructure issues was one. You guys passed that in December. We're moving forward. The key to speed up open space purchases and get to TDR's, which is another issue, but there's action on that. We're excited there's movement.

The key to really making sure that affordable housing program conforms with smart growth principles, and can really actually, so municipalities can access the funding, that's something that we're trying to get to now, and we're glad that this administration and the Legislature have been working within six months, less than six months. There's serious bills on the table, and on this Workforce Housing Committee, we meet every two weeks. It's an ambitious •• with subcommittees, too. It's an ambitious group.

We'd like to see County DPW move on some things, and we'd like to see more community involvement in planning. Those are other priorities our organization has. I'm not here to speak to those today.

As to specific legislation, this specific legislation, we feel this bill provides the incentives and flexibility that are necessary to move ahead a mixed use and a mixed income project in ways that it hasn't in the past.

In addition, the Workforce Housing Commission has put together some priorities, almost a matrix or a checklist at which •• and in the bill it says that the Director would set those priorities internally and within the administration. But among those priorities that we're concerned about, and are in the list that we approved as a Commission, that brownfields, grayfields, transit oriented development, and redevelopment in particular, are prioritized over green space development for affordable housing. And that's an important part for our organization, I'm sure it's an important part for many of the environmental groups that are •• have been very active in saying we don't want to •• you know, affordable housing shouldn't mean overdevelopment, and I think that •• I think that this bill will allow for that flexibility to make assure that we prioritize redevelopment options. So, we're excited about that.

We're also excited that in the priority is where there's been citizen participation. There •• you know, we'd like to see the incentives go towards communities that are ready for the density. We can't afford •• a single family homeownership model is just not economically viable for affordability without massive subsidy, which I don't think any municipality or County government has the ability to do that at this point. So, we need to look at where density makes sense. Other housing types, condominiums, granny flats, apartments over stores, townhomes, other types of maybe more dense housing works, but that shouldn't be everywhere. There's specific locations where density works and we need to have a process to get us there. I feel this bill can help towards that.

Really, my last point would be really four questions that we need to ask. One is •• I think there's •• the Commission has reached out to many municipalities. I think 250 sites have been identified. In looking at those sites, you know, where is there redevelopment versus greenfield development is the first question. Secondly, where is there a partnership with the municipality and a developer that makes sense, what are some congruents. And then the last point would be is there a community process to an education to allow those options, so that the community feels they're not just •• stuff isn't just happening, but they feel that there's some •• that they have some empowerment in the process.

So, again, we want to see redevelopment as a primary issue here, and we think this bill can get us to that. We're excited about that. We support 1503. Thank you.

**D.P.O. CARPENTER:**

Thank you very much, Mr. Alexander. Next, we have Lennard Axinn.

**MR. AXINN:**

Good afternoon. My name is Lennard Axinn. I'm a partner with a residential home building firm known as Island Estates. I'm also former President of the Long Island Builders Institute, currently sitting on the Board, and a member of the Suffolk County Workforce Housing Commission. I'm here to speak in favor of 1503.

There's an extreme need for housing that Suffolk County residents can afford. We're hoping they don't have to go to South Carolina to find it. We're not looking to accommodate a huge inflow of new residents, but we're really talking about providing housing for today's residents, for families, for our children, for our parents. How can we best •• how can we best accomplish

that? We can create programs with funding that mandate maximum sale prices and rental prices to residents of Suffolk County for specific income levels.

The County has had an affordable housing program for sometime, but it hasn't been utilized to its capacity, as Jim testified earlier. This legislation recognizes that the best way to address the housing crisis in a meaningful way is to provide incentives, such as density bonuses, to encourage builders to participate. The housing will not get built unless builders are on board willingly as participants, not with mandated housing or mandated construction.

This legislation expands income levels for which residents can benefit. It can fund infrastructure. It provides for a variety of housing types and mixed income developments. We think it's a good start. I hope there will be more legislation to follow. Long Island's future depends on it. Thank you.

**D.P.O. CARPENTER:**

Thank you. Next speaker, Tony Martinez.

**LEG. TONNA:**

Good afternoon. Tony Martinez from the Empire State Regional Council of Carpenters, also a member of the Housing Commission that Supervisor •• I'm sorry, County Executive Levy put together.

You know, I don't want to be redundant, I think Mr. Morgo said it well, and also Supervisor Horton, so I'll say representative of workers, I believe that this legislation is something that we need right away. So, I'm just here in support of this legislation and hope that this Legislature passes this. Thank you.

**D.P.O. CARPENTER:**

Mr. Martinez, I see that you represent the Regional Council of Carpenters. I would just ask if you had an opinion on the Capital Budget and Program and things that the County is looking to do?

**MR. MARTINEZ:**

No, not at this time.

**D.P.O. CARPENTER:**

Thank you. Jimmy Rogers of the Long Island Federation of Labor.

**MR. ROGERS:**

Good afternoon. I'm with DC9 Painters and Allied Trades. I got put on the Suffolk County Workforce Affordable Housing Commission as an appointee from the Long Island Federation of Labor. Two years ago, I got involved in the affordable housing campaigns, and I'll be honest with you, the reason why I did it was for our own self interest. We were looking to get more work for our memberships. We were looking to get back into the residential field. So, when I did get involved with the first campaign of Long Island Campaign for Affordable Rental Housing, that was pretty much my only interest.

As I started attending meetings and getting more educated on the issues and what was needed and how bad it was with the affordable housing that was going on on Long Island, I started to reflect on what I went through when I was •• when I was working out in the field, getting up six o'clock in the morning, going to work, coming home from work, taking a shower, and going to my second job. My wife was working full•time at the time, and we were •• you know, we wanted to buy a house. We ended up, when we got married, the first thing we did was get an illegal apartment, like everybody else. You get the Pennysaver out and you find an apartment, which was illegal. We'd stayed there for a year or two and you moved on to our next illegal apartment, because there's nowhere to find a legal apartment that you can afford. Finally, we saved enough money for a downpayment. We ended up getting a handyman's special. It was \$122,000 back in 1990.

We were able to put a downpayment down, made the closing costs. We had a little money left over to make the improvements that were desperately needed in the house, and we were just making ends meet. We wanted to have children and at the time it was impossible with what I was going through, working two jobs, my wife working full•time. You got to pay for day•care. It's just an impossible thing to do. Now, this was back in 1990. This is 2004. I know wage rates didn't raise that much since 1990, but the cost of housing has quadrupled. My house that was 122,000 is close to \$400,000 now. I couldn't afford to buy it now.

So, I think of the workers that are going through this right now, like I was ten years ago, but it's impossible for them. I had to come up with \$25,000 as a downpayment. They got to come

up with \$100,000 and then carry a \$300,000 mortgage for an entry level worker? It's impossible.

So, I support this •• the changes that are made, the 120% increase for the wages is something that's very important, because I searched around and I tried to get a Sonymae mortgage and a few other different avenues, and believe it or not, I was making too much money at the time and I didn't fit into those guidelines, so it's something that needs to be done.

I have two sister•in•laws, one moved to Vegas, one moved to Florida. I have the guy who I work with is a rep with DC9 also, he just closed on his house a month ago and he lives in Pennsylvania. He lives •• he works on Long Island and he commutes back and forth from Pennsylvania, because he couldn't •• he couldn't get anything to •• that he could afford here.

So, I urge you to pass this bill with the amendment changes to the Local Law 1530. I also ask that you keep with the Legislative •• County Executive's veto of 1281 and pass 1530. I could submit, I don't know if you have this already, two letters, one from Jack Caffey, the President of the Long Island Federation of Labor, and also one from Jack Kennedy, the President of the Nassau and Suffolk Building Trades, supporting this bill, so I don't know if anybody can take this or if you have it already.

**LEG. VILORIA•FISHER:**

Madam Chair.

**D.P.O. CARPENTER:**

Yes, Legislator Fisher.

**LEG. VILORIA•FISHER:**

Jimmy, thanks for coming down. You mentioned something that's very, very critical here. You had started out with the Long Island Coalition of Affordable Rental Housing.

**MR. ROGERS:**

Right.

**LEG. VILORIA•FISHER:**

And you began to look at homeownership. And one of the other speakers mentioned it earlier, homeownership isn't just finding somebody a place to live, but it's asset•building, right?

**MR. ROGERS:**

Yeah.

**LEG. VILORIA•FISHER:**

And this is a big issue that you and I have talked about before.

**MR. ROGERS:**

Yeah. I mean, rental is something that you get married or you're just starting, you've got to rent it first, but you want to start putting some money and building some equity and having a place of your own after awhile and raise your family, so it's very important.

**LEG. VILORIA•FISHER:**

Thank you.

**MR. ROGERS:**

Thanks.

**D.P.O. CARPENTER:**

Thank you. Next speaker, Marian Zucker.

**MS. ZUCKER:**

Good afternoon. I'm Marian Zucker. I'm the Director of Affordable Housing for Suffolk County, and I'm here largely to see if you had any questions. And I just wanted to say the prior legislation, thank you all for the support of that legislation in 2000. It was a great place to start. But I think what we've learned from the last three years of experience, that legislation only gave us the ability to buy land for fully affordable developments. And what we're doing now is learning from that experience and looking to expand the flexibility of the program to also provide infrastructure improvements, and also to fund mixed use and mix income developments.

As people have said before in their testimony, the middle class is getting priced out of homeownership on Long Island, and that's why we've looked to raise the income levels for this

program, to allow up to 50% of the units for people making up to 120% of median income.

On another subject, we did make a slight change to the 72•h provisions of this legislation. Our current deeds allow people to have three years, plus one two•year extension for the development of the property. But what we've been finding is that the sites that were taken in tax foreclosure are more and more difficult to develop, and people need to put more work into the site improvements, cutting roads in, identifying different funding sources. So, we've made a proposed change to that provision in the legislation that allows us with sufficient proof to allow for another two•year extension without causing a violation of the reverter clause in the deed. Is that clear?

**D.P.O. CARPENTER:**

Yes.

**MS. ZUCKER:**

Okay.

**D.P.O. CARPENTER:**

Are there any questions?

**LEG. ALDEN:**

I have a question.

**D.P.O. CARPENTER:**

Legislator Alden.

**LEG. ALDEN:**

That's in this legislation or ••

**MS. ZUCKER:**

Yes, it is.

**LEG. ALDEN:**



Oh, okay, year. You're not changing the legislation that's proposed.

**MS. ZUCKER:**

Well, the current legislation provides for three years for completion of a 72•h development with one two•year extension, and we're proposing that we provide for a second two•year extension.

**D.P.O. CARPENTER:**

Okay. Thank you very much.

**MS. ZUCKER:**

You're welcome.

**D.P.O. CARPENTER:**

Next speaker, Robert Glaser. Robert Glaser? Okay.

**LEG. CRECCA:**

Here he comes.

**MR. GLASER:**

I'm enroute. Hi. My name is Robert Glaser. I live in Amityville. I'm also a Business Representative for Local 12. A lot of our members live on Long Island. And we're in favor of this bill, because we just feel this is a good neighbor policy. What we're trying to do is make affordable housing affordable for people that we already know and can't afford the skyrocketing costs. I'm not going to go into detail, I just want to let you know that we're in favor of the bill. Thank you.

**D.P.O. CARPENTER:**

Thank you. Next speaker, Matthew Groneman.

**MR. GRONEMAN:**

Good afternoon. Matt Groneman, Long Island Association. Being that I'm number 13 on this, I'm just going to echo what everyone else is saying, that we've worked with members of the Commission, and have worked with the County Executive, Supervisor Horton, Mr. Morgo, and we strongly support this bill and everything that it does.

**D.P.O. CARPENTER:**

Thank you.

**MR. GRONEMAN:**

Thank you.

**D.P.O. CARPENTER:**

I think by thirteen speakers, we have gotten the message, but we will have speaker 14, Ernie Mattace.

**MR. MATTACE:**

Thank you. My name is Ernie Mattace and I represent RWDSU Local 338, and our President, John R. Durso. We have approximately 18,000 members in the metro area and 7,000 live and work in Suffolk County. You've heard it all, but the best way I could relate this is by listening and thinking about my own neighborhood, looking at my neighbors and watching their sons and daughters come back from school. They have a choice, either they stay at home, or they wind up staying where they went to school, get a job, and find an affordable house. We're in favor of this proposal and we ask for your support. Thank you.

**D.P.O. CARPENTER:**

Thank you, Ernie. That's all the cards I have on 1503. Is there anyone else wishing to address the Legislature on this public hearing? Hearing none, do I have a motion on this hearing?

**LEG. TONNA:**

Motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator Tonna, second by Legislator O'Leary. All those in favor? The hearing is closed.

**1508 (A Local Law licensing businesses which service portable fire extinguishers and automatic fire extinguishing systems).** We have a number of cards on this hearing. This is the Local Law licensing businesses, which service portable fire extinguishers and automatic firing extinguishing systems. The first speaker is Leonard •• Leonard. I'm not quite sure what

•• is it Llewellyn?

**MR. LLEWELLYN:**

Good evening. Pardon me, good afternoon. I'm Leonard Llewellyn, the owner and operator of Twin Forks Fire Extinguisher Company. On behalf of the industry, I wish to thank the Legislature for taking •• as the old saying goes, by taking the bull by the horns and doing something to bring some type of conformity to the fire extinguisher business.

The fire extinguisher business is an unusual animal. It can very easily be gotten into. All you have to do on that is go to a local printer, Instaprints, have 2,000 tags made up and business cards, go to your local post office, and end up getting a postal box, all right, and get a telephone with an answering machine and you're in business. You can go down any Main Street, walk into any business, say, "I'm here to do the fire extinguishers, put a tag on it, and that's it, and collect a fee of anywhere 25 or \$30, walk out, put it in your pocket, go to the next person, and do it. The only time that it's bad is when the local Fire Marshal comes in, checks the fire extinguisher and comes to find out that there is a violation on the thing, because it wasn't properly serviced either by a six•year maintenance check or a 12•year hydracide test with dry chemicals, or on waters and CO2's, a five•year hydracide test. The individual gets a citations and then he's •• and then he's as mad as a wet hen, because the individual that came in didn't do the proper job.

In addition to that, also, too, it will help on kind of cleaning our act up by people out of the area coming in, going into a business district, walking down, putting tags on it, and not doing the proper •• •• basically, not doing the proper servicing. There are changes to this legislation, but I'll leave that up to the Fire Marshal's Office, and I also wish to commend the Legislature and the Fire Marshal Office from the County of Suffolk for bringing this matter to the County Legislature. Again, thank you very much for allowing me to speak.

**D.P.O. CARPENTER:**

Thank you, Mr. Llewellyn. Next speaker, Bruce Johnson.

**MR. JOHNSON:**

Good afternoon. My name is Bruce Johnson. I'm the Fire Marshal for the Town of Riverhead, and I'm here to speak in support of this proposed Local Law. It's something that the Fire Marshals have been working on for a number of years, and I'm glad that it's finally here and,

hopefully, ready for action.

First of all, I'd like to say that, as Len Llewellyn mentioned, there are a number of issues, and most of the time those complaints come to us as local Fire Marshals, and we really had our hands tied by not having a licensing in the County that would allow us to address companies that are doing improper maintenance.

First of all, and in the most extreme cases, it is considered fraud. We have brought in the District Attorney's Office to investigate these matters. But, more importantly, it affects life safety. We want to be able to feel as Fire Marshals and certainly in our jobs protecting the public that if somebody needs to use a fire extinguisher, if they're at a gas station and there's a fire at the pumps, if there's a fire in the kitchen at a commercial establishment, that those systems that we fought to put in the building codes when the buildings were built are going to work, and the only way that we can do that is to make sure that they're properly maintained. And there are documents that are professional consensus standards that address that maintenance, but when you get right down to the local level, it's up to that person, that company that is being paid by the business owner to service these systems and keep them in working order to ensure that they're doing the right job. Most of the time, when those complaints come to us, and let me tell you that we do receive a number of complaints and it's frustrating that we don't have licensing as a tool to get compliance, when those complaints come to us, a lot of times the person that has improperly done the maintenance is long gone. We don't have the ability on a local level, certainly from my township. We have two Fire Marshals to cover the square township of Riverhead with over 30,000 people and 5,000 businesses, including places like the Tanger Mall, that we have a lot of fire extinguishers out there, certainly. We don't have the ability to track all of these vendors that are coming through, doing improper maintenance, and we're frustrated by our lack of an enforcement tool. And I'm here to say that this licensing agreement would be the first step towards a very positive tool to allow us to ensure that these systems are working properly, from the portable fire extinguisher that's hung in the building, again, to the extinguishing systems at gas stations and then commercial kitchens.

So •• and I know the County Fire Marshal Chief Warren Horst is here and he'll probably be able to answer any questions. But we've worked long and hard on this, so we hope to see that get passed in this session. Thank you.

**D.P.O. CARPENTER:**

Thank you very much. Next speaker, Richard Lyman.

**MR. LYMAN:**

My name is Richard Lyman. I'm the Fire Marshal for the Incorporated Village of Lindenhurst, and just to echo what Mr. Johnson said, I've been doing this for ten years, and we go into buildings, restaurants, public assemblies, and we find that some of the conditions in there for very few companies are jeopardizing not only the business people and their business, but the lives of the patrons who attend these businesses. And I think that this licensing thing is really going to put a lot of support for the Fire Marshals, and also get a lot of information out, you know, for the business owners when they ask who can we hire to do our inspections. Again, I'm in favor of this proposal.

**D.P.O. CARPENTER:**

Thank you. Next speaker, Michael Morris.

**MR. MORRIS:**

How are you doing? My name is Michael Morris. I work for Firematic Supply, and I was here to represent the companies saying we are in favor of this. We think it's a good thing that the Fire Marshal had gotten together to propose it, and that's really it. Thank you.

**D.P.O. CARPENTER:**

Thank you very much, Mr. Morris. Next speaker, Michael Matteo, Jr.

**MS. MATTEO:**

I'm sorry. Good afternoon. My name is Michael Matteo, Jr. I am the Town of Huntington Fire Marshal. I'm also the President of the Suffolk County Fire Marshals Association. I'm here today to show support for this bill and to offer the support of the entire Fire Marshal community in Suffolk County.

The original bill was drafted by the Fire Marshals Association back in the late 1990's. Since then, we've reviewed this bill numerous times, we've tried to get it up to the Legislature, and we've had some difficulty in doing that, mostly because we didn't have the proper procedure down. Thankfully, now we do.

Just to give you some information, the resolution that we have here is for the servicing of portable fire extinguishers and fixed fire suppression systems throughout the County of Suffolk. There are many companies out there that are doing these systems, some are doing a proper job and other ones are not. They're going in, tagging systems. People see these tags and assume that these systems, these extinguishers are going to work properly when they need them, and that's what we want to make sure happens. In the event of a fire, these extinguishing systems and extinguishers are the people's first line of defense. They may also help that person or persons get out of that structure in the event of a fire situation. If that extinguisher is not operating properly because it wasn't serviced properly, then that person is going to be in undue harm, which we don't want to see.

The licensing that we are offering here today through Suffolk County will help to bring all these extinguishing systems and extinguishers up to the current national standards. We do have the national standard, the National Fire Protection Association Standard Number 10, which is our guideline and our standard for the operation, installation, as well as for the servicing of these extinguishing systems. There's another standard, Number 17, 17A, 96, that also covers the fixed fire suppression systems. All of these have been looked at and we have based our proposal on these standards, as well as the Nassau County legislation for their licensing that has been in effect for many years and has worked very well, as per the Nassau County Fire Marshal's Office.

The inadequate service of these extinguishers really has put undue harm on the people who are expecting to be able to use these in case of an incident.

Again, I just want to offer the support of both the Town of Huntington Fire Marshal's Offices and the Suffolk County Fire Marshal's Association to this bill, and I please ask for your support in passing it. Thank you.

**D.P.O. CARPENTER:**

Thank you, Mr. Matteo.

**LEG. MYSTAL:**

Hold on, hold on, hold on. I have a question.

**D.P.O. CARPENTER:**

Legislator •• excuse me.

**LEG. MYSTAL:**

A question.

**D.P.O. CARPENTER:**

Legislator Alden. He asked first. I'm sorry, I didn't see you. And then Legislator Mystal, and Legislator Nowick.

**LEG. ALDEN:**

Hi. Thanks for coming down. Mr. Llewellyn, who was the first •• one of the first speakers on this ••

**MR. MATTEO:**

Yes.

**LEG. ALDEN:**

•• had said that he had a number of, not problems with it, but he said concerns, or something like that, that he was going to address through ••

**MR. MATTEO:**

Okay. Minor changes that he had talked about.

**LEG. ALDEN:**

Okay.

**MR. MATTEO:**

Some of the companies that we had talked to, this has not been just the Fire Marshals. We have been in contact with the corporations out there that are doing this type of work, and they have brought to us some concerns that were in the national standard that they may want to see a change in for a good cause. One of them was specifically about a label that is placed on the inside of the extinguisher, which, again, was in the national standard for many years. It has since been removed from the national standard, because, as is done with all types of appliances being tested over time, and so forth, if there are any problems found, they like to remove those

sections. This label has been known on rare occasion to fall off the inside and actually cause an obstruction to the pick•up tube of the extinguisher. We are in full agreement of the removal of that section. We did not want to put any kind of slow down on this particular process, and if it could be done now, that's fine. If not, we will do it, certainly, after the fact as an amendment to this •• to this bill. But that small change is definitely approved by the Fire Marshals.

**LEG. ALDEN:**

I just want to point out that any ••

**LEG. BISHOP:**

Is somebody writing me a letter to that?

**LEG. ALDEN:**

Excuse me, Dave.

**MR. MATTEO:**

This was just brought up, unfortunately, very last minute.

**LEG. BISHOP:**

Just send me something and I'll take care of it.

**MR. MATTEO:**

That's very simple to do.

**D.P.O. CARPENTER:**

Legislator Alden ••

**LEG. ALDEN:**

Dave, is that •• it's your bill?

**D.P.O. CARPENTER:**

•• I think you still have the floor.



**LEG. BISHOP:**

Yeah, it's my bill.

**LEG. ALDEN:**

Okay. That's what I was going to suggest, then, because we have time from now until, you know, it goes back to committee, and then it will come back probably by late June before the full Legislative body. So, if •• yeah, any of those little changes that Mr. Llewellyn had mentioned, you know, as concerns, so ••

**MR. MATTEO:**

Very good.

**LEG. ALDEN:**

•• you have time to do them.

**MR. MATTEO:**

I wasn't sure of the process, thank you for enlightening me on that, but I will certainly send you out a letter by next week. And it's a •• it's a very, again, very minor change. We had added a label that came about in •• since 1998, the national standard regarding collar rims that served the same purpose as the internal service tag that was on the extinguishers. So, we are not lessening the bill by removing that label, it was actually a duplication and we're removing one of them.

**LEG. ALDEN:**

Good.

**D.P.O. CARPENTER:**

Legislator Mystal.

**LEG. MYSTAL:**

This is not so much a question as a statement on ignorance. I was under the impression that when I saw this •• a tag on a fire extinguisher, I was under the impression that the Fire Marshal put it there. I don't know if anybody else, you know, thought the same thing. To me, again, when I see it, I figured. You're telling me ••

**MR. MATTEO:**

We do not put them ••

**LEG. MYSTAL:**

•• it ain't so.

**MR. MATTEO:**

Fire Marshals are not in the business of doing inspections on particular equipment and we don't maintain the equipment. We collect data from companies who are certified to maintain that equipment. So, I go into a premise, I look at extinguishers and the tag on a system tells me, hopefully, tells me that that extinguisher was tested, inspected, possibly recharged and serviced as per the nationally accepted standards, the local laws and requirements, as well as the County requirements, if this bill goes through, and that's what we're looking for. We're collecting the data from the tag saying this was done. There are multiple labels on that showing multiple tasks that were done over a one•year, six•year, twelve•year period for that extinguisher, and that the •• designed to show us that that extinguisher was maintained properly and will work in case it's necessary.

**LEG. MYSTAL:**

But the maintenance is not done by the Fire Marshal. The maintenance ••

**MR. MATTEO:**

Not at all.

**LEG. MYSTAL:**

•• like Mr. Llewellyn said, could be done by anybody who has •• goes to a printer, had some postcard •• I can go and do it and say, okay ••

**MR. MATTEO:**

Anybody •• right now, anybody in Suffolk County, as Mr. Llewellyn said, can go out and get tags printed up and hang them on an extinguisher and say that the extinguisher was tested. Did they do the proper job? No. We have no recourse as Fire Marshals right now to go against that person and have it redone. Now, this is not only going to help the Fire Marshals in ensuring that these systems are working properly, but the business owner will know that his

system that he has paid money for is going to work in the event, saving himself, saving his insurance company possibly a lot of money, because the •• because the equipment that is there that he has installed under law, all of this equipment has to be there by law and maintained. Now, you'll know, hopefully, that it was done by a qualified inspection and maintenance company and done properly.

**LEG. MYSTAL:**

Okay. And final question. When I go to Home Depot and I buy a couple of fire extinguishers ••

**MR. MATTEO:**

Yes.

**LEG. MYSTAL:**

•• for my kitchen, what assurances do I have that it's working properly? In fact ••

**MR. MATTEO:**

Those extinguishes are all tested by UL.

**LEG. MYSTAL:**

By the factory?

**MR. MATTEO:**

Not the specific one that you're purchasing, but most of them are tested by independent laboratories such as UL, and they are listed for the use as home kitchen fire extinguishers, and so forth. Those are not part of this bill. This is only for commercial ••

**LEG. MYSTAL:**

Okay. Because that's the kind I'm talking about. It says, "UL test," blah, blah, blah, blah, blah.

**MR. MATTEO:**

That's a completely different tag. Every or most items that we use are tested by UL, Factory Mutual, some independent testing lab. That tells you that the •• that the device was built as designed and tested the first time by the manufacturer. After that, certain of these devices have to be maintained to make sure they keep up with that standard. If it's not maintained

properly, then you can lose and you will lose that listing and it may not work properly. Home fire extinguishers do not come under this maintenance. There is no local law, national law for the maintenance of local fire •• I mean, residential fire extinguishers, but there should and there is in most cases for commercial.

**LEG. MYSTAL:**

Thank you.

**MR. MATTEO:**

Thank you.

**P.O. CARACAPPA:**

Thank you. Legislator Nowick.

**LEG. MYSTAL:**

Go, girl.

**LEG. NOWICK:**

Just excuse me. So •• sir.

**D.P.O. CARPENTER:**

Mr. Matteo, please, one more question.

**LEG. NOWICK:**

Yeah. Actually, Legislator Mystal had asked my identical question about my own home fire extinguisher, so I understand they don't come under the law.

**MR. MATTEO:**

Right.

**LEG. NOWICK:**

But just quickly a question. Are those extinguishers that I see sitting in my house, are they supposed to be taken to these places, checked, or do they all work forever?

**MR. MATTEO:**

They can be taken and be checked, but the problem with that is the home fire extinguishers aren't built to the same specifications as the commercial type. Most of the companies that are here today will not do a full test on those, because they •• the design, most of the top of the device is made of plastic, and if they try to remove that to do the proper testing ••

**LEG. NOWICK:**

They're ruined.

**MR. MATTEO:**

•• it will get ruined, it will break, it will fall apart, so they're not going to take the liability of breaking your fire extinguisher.

**LEG. NOWICK:**

Do they have a shelf life?

**MR. MATTEO:**

There's no shelf life listed that I know of on those. I hate to give you the wrong answer. I would check the manufacturer's requirements for that. I would change them every five years, minimum.

**LEG. NOWICK:**

Okay. Thank you.

**MR. MATTEO:**

And I would also take that extinguisher and I would use it. I would test it out before I get rid of it. First of all, you don't want to throw out a charged extinguisher that has pressure in it, but go to a place ••

**LEG. NOWICK:**

Well, once you test it, though, they're ••

**MR. MATTEO:**

Exactly. Well, once you decide that you're going to replace it, buy the new one and then you could learn how to use the old one. Use it as a test ••

**LEG. NOWICK:**

That's a good idea.

**MR. MATTEO:**

•• procedure for yourself and it keeps you in the proper training of how to use extinguishers.

**LEG. NOWICK:**

All right. I'm sorry, but this probably doesn't have anything to do with the bill, but thank you very much.

**MR. MATTEO:**

Not a problem, any time.

**LEG. MYSTAL:**

I don't understand something. You said those things have a shelf life •• they don't have any shelf life. I'm an owner of a boat, but somehow, when I buy an extinguisher on a boat, they tell me to get rid of it after two or three years.

**MR. MATTEO:**

If it says on the manufacturers label, then I would follow theirs, because whatever it was tested for by UL ••

**LEG. MYSTAL:**

You're out in the water, you got an extinguisher, you know ••

**MR. MATTEO:**

Well, water extinguishers, it's going to •• the salt water is going to eat up the casing of the extinguisher. And it is a pressurized cylinder, so you don't want to have any kind of physical damage to the outside of that vessel that's containing pressure. It could be a problem.

**LEG. MYSTAL:**

I'm flabbergasted.

**LEG. CARPENTER:**

Okay. Thank you very much.

**MR. MATTEO:**

Okay.

**D.P.O. CARPENTER:**

Next speaker, Warren Horst.

**MR. MATTEO:**

Thank you.

**MR. HORST:**

Good afternoon. I'm Warren Horst, Chief Fire Marshal, Suffolk County Department of Fire, Rescue and Emergency Services.

Thanks to the previous speakers, my job's going to be pretty simple. You've heard why the legislation's needed. I'm just going to let you know that the Suffolk County Department of Fire, Rescue and Emergency Services certainly supports this proposal and concept. I'm saying "concept" for two reasons. One, you've heard that there may be a need for some technical changes. We are more than happy to work with the industry, work with the other fire marshals throughout the County to make those technical changes that will make this proposal go into law.

Secondly, it is my understanding that the Department of Consumer Affairs may have some questions about administering the program, particularly as it relates to staffing. If that is the case, the Department of Fire, Rescue and Emergency Services is willing to work with Consumer Affairs and will provide the technical assistance needed to perform the inspections and to assist in any investigations that might arise.

They do an excellent job at issuing licenses now, so we wouldn't try to interfere with that, nor would we try to replicate it. We think Consumer Affairs is the agency that is best suited for handling the licensing, and if, in fact, they need assistance, we are more than willing to provide it in the form of technical assistance, as I'm sure the rest of the Fire Marshal's Offices throughout the County would be willing to do it as well. Thank you very much.

**D.P.O. CARPENTER:**

Warren, have you had those conversations with Charlie Gardiner recently, because I know that there had been some input by the department early on, but that has not been the case of late and they do have some concerns.

**MR. HORST:**

Unfortunately, Commissioner Fischler has had •• has made some attempts to speak to him on the phone and has not got a return phone call as of this date, but we are persisting in trying to get an answer in that regard.

**D.P.O. CARPENTER:**

Thank you. Legislator Alden.

**LEG. ALDEN:**

And just to follow up on what Legislator Carpenter just asked.

**MR. HORST:**

Sure.

**LEG. ALDEN:**

When you said you would be willing to help out, technically, or is that with manpower to go out and make the inspections? Because we've put a bunch of requirements on the Department of Consumer Affairs, and it's actually taxing the number of people that they have that have the ability to go out there and make these inspections. So, would you be willing to actually make the inspections?

**MR. HORST:**

Definitely. There's no question, we would help •• we would do the inspections.

**LEG. ALDEN:**

Do you have the manpower.

**MR. HORST:**



We would •• we would have the staffing to do it.

**LEG. ALDEN:**

Good.

**MR. HORST:**

And, as I see it, if they could do the counter work, we will do the inspection work.

**LEG. ALDEN:**

Thank you.

**D.P.O. CARPENTER:**

Are there any other questions? Thank you, Warren.

**MR. HORST:**

Thank you.

**D.P.O. CARPENTER:**

And last speaker is Don of All Out Fire Equipment. I don't have a last name here.

**MR. HAUSZ:**

Hi. Good afternoon. My name is Don Hausz. I'm the owner/operator of All Out Fire Equipment. I'm also here •• I represent \\_NAFED\\_ , which is a professional trade organization that we utilize to update our employees and our staff on the most current editions of the trade journals, as well as the National Fire Protection Associations that Mike Matteo had referred to, NFPA 10, which is a portable fire extinguisher code, 17, 17A, which is the Fire Suppression System Code, as well as a few others, 96, which is the Vapor Removal Code for commercial cooking establishments.

When I filled out the card this morning •• this afternoon, I had figured on a couple of items that I think Chief Fire Marshal Horst referred to as some tweaking that was necessary. In the resolution that I read, one of the items was the use of internal service tags, internal service labels, which, again, was in NFPA 10 at one point and had been removed in 1996 for the fear of the label becoming dislodged and getting caught in the valve. The other item was •• apparently, it appears to be a multi•step licensing, either license of •• full license or limited

license. And there was one other item to be tweaked, and I think it was in Section 5, referring to the hydrostatic testing. NFPA, as well as the Department of Transportation, U.S. Department of Transportation, has very specific and very stringent guidelines on hydrostatic testing. Most recently, they added a second level, what's called a RIN, which is a Retesters Identification Number, that is necessary to do low pressure testing. The use of that RIN or the obtaining of that RIN is not addressed in the section. Okay. So, that was the other item to be tweaked.

And in answer to I think two Legislators have asked about personal fire extinguishers, they are all made to the same UL standard, so if you have a fire extinguisher at home, and it does state this on the label, read the label, it says that it should be inspected at least annually, as well as all commercial extinguishers. The commercial extinguisher is a requirement. It's a town, as well as a, you know, County and State requirement that the extinguishers be serviced or inspected on an annual basis, as well as other procedures that are required, both six-year maintenance and hydrostatic testing. But that requirement is actually a requirement for all extinguishers, even personal ones that are used on boats.

It becomes financially •• I can't think of the word, I'm stuck for a word. The disposable extinguishers that you buy in Home Depot, it's not worth performing hydrostatic tests on. They are technically disposable at 12 years. And I've worked with several townships in trying to provide the service in order to dispose properly of these pressure vessels, and we received some cooperation from the Town of Southampton, as well as the Town of Brookhaven.

But, you know, as an industry, we are, I believe, all in favor of seeing the licensing progress. I worked back in 1990 with Pete DiGiglio from the Fire Marshals Office and providing sample legislation, both from Nassau County, as well as other states that have enacted this licensing. And, as I stated, we are in favor of it.

**D.P.O. CARPENTER:**

Thank you very much, Don, appreciate it.

**MR. HAUSZ:**

Thank you.

**LEG. ALDEN:**

Motion to close.

**D.P.O. CARPENTER:**

Okay. There are no other cards on this hearing. Are there any •• is anyone else wishing to address the Legislature? Okay. We have a motion to close 1508, second by Legislator O'Leary. 1508 is closed.

The next public hearing is **1519, a Local Law creating Geographic Information System (GIS) Committee**. I have no cards. Does anyone wishing to address the Legislature on this hearing? Hearing none, motion to close by Legislator Caracappa, second by Legislator Alden. The hearing is closed.

Next, we will set the date for the following public hearings: Tuesday, June 15th, Public Works: I.R. 1574. And setting the following public hearings for Tuesday, June 22nd at the General Meeting in Riverhead: I.R. 1568, 1580, 1581 and 1629. Setting the date for the following public hearing: Thursday, June 24th, in the Hauppauge Auditorium for the Suffolk County Community College budget. And those hearings are set.

**P.O. CARACAPPA:**

Motion to set those hearings.

**LEG. ALDEN:**

Second.

**D.P.O. CARPENTER:**

Motion by the Presiding Officer, second by Legislator Alden. Those hearings dates have been set.

**P.O. CARACAPPA:**

One abstention, Legislator Foley.

**LEG. FOLEY:**

Abstention exception for the General Meeting date.

**P.O. CARACAPPA:**

That concludes our public hearings. Thank you, Deputy Presiding Officer Carpenter, for handling that. I was able to accomplish some work. I recognize Legislator Caracciolo.

**LEG. CARACCILOLO:**

Thank you, Mr. Chairman. As I indicated earlier during the public hearings, I.R. 1211, which is the alteration of rates for the North Ferry Company, I requested that we close the public hearing. I now would like to request that we discharge the resolution from committee and bring it before the Legislature for a vote.

**LEG. FOLEY:**

Second.

**LEG. ALDEN:**

What committee is it before?

**LEG. FOLEY:**

You want to second it? Sure.

**P.O. CARACAPPA:**

What was the number on that, Legislator Caracciolo?

**LEG. CARACCILOLO:**

1211.

**P.O. CARACAPPA:**

1211. There's a motion by Legislator Caracciolo, second by Legislator Schneiderman, to discharge from Public Works Resolution 1211, which is authorization of alteration of rates for North Ferry Company, Inc. Motion and a second. All favor? Opposed? Abstentions? It is now before us. It will age for one hour, and we will revisit it ••

**LEG. SCHNEIDERMAN:**

No, no, no.

**P.O. CARACAPPA:**

It has to age for an hour.

**LEG. CARACCILO:**

Didn't I do that earlier?

**P.O. CARACAPPA:**

No, you didn't discharge it. You submitted it, but you never made the motion.

**LEG. SCHNEIDERMAN:**

Can we waive that rule?

**P.O. CARACAPPA:**

You could make the •• you could waive the one•hour rule.

**LEG. SCHNEIDERMAN:**

I make a motion, a motion to waive the one•hour rule.

**P.O. CARACAPPA:**

There's a motion to waive the one•hour rule.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Crecca. All in favor? Opposed? Abstentions? That was the quickest hour of my life.

**LEG. CARACCILO:**

Motion to approve.

**P.O. CARACAPPA:**

There is a motion to approve, by Legislator Caracciolo, 1211.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? 1211 is approved.

**LEG. ALDEN:**

An unaged bill approved.

**MR. BARTON:**

16, 2 not present. (Not Present: Legs. Tonna and Cooper)

**P.O. CARACAPPA:**

I'd like to bring up public officials at this point in time. Ben Zwirn.

**MR. ZWIRN:**

Go to the podium?

**LEG. ALDEN:**

Anywhere you want.

**LEG. CRECCA:**

Anyplace you want. We tend to crowd up the table.

**MR. ZWIRN:**

Thank you very much, Mr. Presiding Officer, and Members of the Legislature. We have a number of people from the County Executive's staff who would like to address you on a number of bills. Instead of doing it as we go through the calendar, we thought, and I spoke to members of your staff, that we would do it at this time and get them, you know, on the record and out of the way, so that you could move forward. And we'll be here for questions, if you have them, at another time.

**P.O. CARACAPPA:**

Very good, proceed.

**MR. ZWIRN:**

Lynne Bizzarro from the County Attorney's Office.

**MS. BIZZARRO:**

Good afternoon. I just have four bills that I would like to address to the Legislature. One of those bills is IR 1561•04, and I believe its companion is 56 •• I'm sorry, 1561A, although I believe there are a series of bonding resolutions that have now been presented as a companion.

The one legal issue I have with the appropriating resolution is that, and I just want everyone to be aware, that you need the SEQRA review for all 12 of the projects. And the way the appropriation resolution reads, I don't believe that has been completed. One of the projects, specifically the Tier II project, most definitely has not had a SEQRA review, and in light of the fact that no site has been presented as of yet. So, that casts some doubt on whether or not SEQRA has been done on all the other projects. I've spoken with our new Bond Counsel on this, Bob Smith, and he has confirmed that. In addition, he E•mailed •• I'm not sure who received the E•mail, but I certainly received it, I believe Mr. Spero received it as well, indicating that the bond resolution accompanying the Tier II Shelter was merely a draft only and that it could not be voted on.

He also made reference to the fact that, again, all SEQRAs have to be done on all 12 projects, otherwise the appropriating resolution could not even be voted on. Therefore, you wouldn't even get to the bonding resolutions. So, I just wanted to apprise the Legislature of those problems.

**P.O. CARACAPPA:**

Thank you, Ms. Bizzarro. Do you want to inform us on any other bills?

**MS. BIZZARRO:**

I have three others, IR 1385•04. Mr. •• excuse me, my ••

**LEG. CRECCA:**

Could you tell us the committee or title of the bill?

**MS. BIZZARRO:**

Oh, sure. Local Law to authorize the implementation of subscription service fee schedule for the Suffolk County Clerk's Online Record System. I have an opinion that I wanted to put on the record, but I my •• I spoke with John Kennedy. He has reached out to me from the County Clerk's Office, and I would like to attempt to try to resolve the language in the bill. So, it would be my suggestion, a recommendation to table that. I have conveyed that to him as well. I don't know what his position is on that, because I have not spoken to him since this morning.

**LEG. NOWICK:**

What number is that?

**MS. BIZZARRO:**

It's I.R. 1385•2004. It's with the establishing of a Capital Reserve Fund, the 25%.

**LEG. BINDER:**

What's the problem?

**LEG. CRECCA:**

It's Page 13.

**MS. BIZZARRO:**

Well, as I said, I had circulated an opinion to the Legislators. The main problem is regarding the deposit of the 25% of the revenues generated through the implementation of this service. They're looking to have the monies put into a Capital Reserve Fund, and in my reading of the General Municipal Law, that is not allowed. In addition, reading of the Local Finance Law, that is not allowed for this particular project, although I know Mr. Kennedy indicated to me that it may qualify now, because the first I was hearing of it at the committee is that it is for reconstruction, construction and acquisition, but that's not how the resolution reads. I believe it reads, they've taken out the word "maintenance", but I think it's enhancement and upgrades. I don't believe removing the word "maintenance" really does anything to the legal efficacy of the bill. So, as far •• you know, my reading of it, it needs to go into the General •• the General Fund, but I'd be willing to work with the County Clerk's Office on this and just to table it until the next General Meeting, which I know is right around the corner.

**P.O. CARACAPPA:**

Next.



**MS. BIZZARRO:**

Sure. Just a quick reference on I.R. 1515. The name of that bill is to establish a web page, yes. And as I referenced at the committee meeting, under Article 41 of the Charter, the Campaign Finance Board has the power to devise methods of soliciting and collecting donations. The resolution directs the Division of Management Information Services to do that publicizing. That is inconsistent with this Charter section. The language should just be amended to direct CFB to cooperate with MIS to devise the method.

And just one further. I.R. 1566•04, this is establishing review policy for honest documentation of campaign expenditures. And I just want to reiterate to the Legislature that there is a preemption issue here, and the County cannot enact a law requiring the electronic filing of campaign statements with the Board of Ed. The Election Law dictates all filing requirements. Thank you very much.

**P.O. CARACAPPA:**

Thank you, Ms. Bizzarro, we appreciate it.

**MS. BIZZARRO:**

Thank you very much for your time.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Ben?

**MR. ZWIRN:**

One of the CN's that we have filed today has to do with fees at the airport, and I've been in contact with Legislator Schneiderman and with members of the airport, and I have filed a bill, and it is Legislator Schneiderman's bill, so I make that very clear. I don't know how the name reads on the top, but it's ••

**LEG. SCHNEIDERMAN:**

It doesn't have my name on it, so it would ••

**MR. ZWIRN:**

But it should.

**LEG. SCHNEIDERMAN:**

It's supposed to.

**MR. ZWIRN:**

And I could amend orally, or have somebody amend it on the Legislature.

**P.O. CARACAPPA:**

We'll amend it on the floor.

**MR. ZWIRN:**

Okay. Thank you. The CN •• and what it does, and I think what Legislator Schneiderman intended, we all intended, was to make sure we had fees in place with the U.S. Open taking place next week, because they'll be using the airport out there for parking and whatnot, and it was important to get everything in place, so we have done that today.

**LEG. ALDEN:**

We're going to dry to balance the budget on the golfers, on the golfers' backs?

**P.O. CARACAPPA:**

No, Tiger Woods' •• Tiger Woods' landing fees.

**MR. ZWIRN:**

No, just the parkers, just the people who are going to park.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCILO:**

Mr. Chairman, I'm happy to hear that there's been some reconsideration on the authorship of

this resolution. It was, in fact, and is Legislator Schneiderman's proposal. And I was concerned earlier today when I heard there might be an attempt to take, I guess, authorship away from him, but that's been resolved. I'm happy to hear that, Ben. That's the way to work together with the Legislature. You know, I think, when we look at today's agenda and all of these objections, the County Attorney's Office would spend less time trying to find ways to defeat resolutions before we even consider them, you know, we can get a lot more done around this County. So, I hope this is a first step in the process that's going to really have us working together. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Caracciolo. Mr. Zwirn.

**MR. ZWIRN:**

Why is everybody laughing?

**P.O. CARACAPPA:**

Carry on.

**MR. ZWIRN:**

Okay. And I have Carolyn Fahey and the new Airport Manager here just to give a brief comment on the fees, bring you up to date as to what's in the CN, and I think on the other bill that was before the Legislature today.

**LEG. SCHNEIDERMAN:**

Can I just ask a technical question on amending this CN?

**P.O. CARACAPPA:**

Go ahead.

**LEG. SCHNEIDERMAN:**

I had requested a CN, but it did come through without my name on the CN. Can we amend that ••

**LEG. ALDEN:**

No.

**LEG. SCHNEIDERMAN:**

•• CN?

**LEG. ALDEN:**

He's got to.

**LEG. CRECCA:**

All they have to do is retype where it says "Steve Levy".

**LEG. SCHNEIDERMAN:**

Right. But we can't do that ••

**LEG. CRECCA:**

And, also, the County Executive has got to go out of there, too, and put your name.

**LEG. SCHNEIDERMAN:**

But they have to do that, right, we can't do it?

**LEG. CRECCA:**

Correct.

**P.O. CARACAPPA:**

Based on the fact that it's a CN.

**LEG. SCHNEIDERMAN:**

So, based on the oral testimony, that •• we can do it, right?

**LEG. CRECCA:**

Yeah, they'll do it •• we'll do it.

**LEG. SCHNEIDERMAN:**

Okay.

**MR. ZWIRN:**

Not a problem.

**P.O. CARACAPPA:**

Okay. Let's go over this quickly.

**MR. CEGLIO:**

Anthony Ceglio, Gabreski Airport Manager. I just want to comment on the proposed rate structures for aircraft operating at Gabreski Airport. The proposed rate structure, I commend Legislator Schneiderman for coming up with the rate structure. We just modified it slightly. And what it does is it simplifies the rate structure and promotes use of the airport by general aviation aircraft, and, hopefully, will generate some additional revenue at the airport. Another thing it does, it sets fees for aircraft that are tied down on a monthly basis, which we hope to promote shortly again for general aviation smaller aircraft. It sets an overnight parking fee for transient aircraft, again, for the U.S.Open. In the past couple of weeks we've seen aircraft come in. There's no more room to park at the •• on the general aviation ramps, and we're moving aircraft to other areas of the airport, and we'd like this fee in order to generate some revenue for these aircraft that are being parked on other areas.

Also, one of the things that it does is it revises rates for touch and go's to encourage use by smaller general aviation aircraft and imposes a fee for large aircraft in case they do come in to, again, generate revenue.

One of the final things that it does is it sets rate for film industry in line with some of the rates that are being charged on other aircraft. And, in general •• or other airports, excuse me. In general, the rates that are being proposed put us in line with airports in the surrounding area for landing fees and other usage fees.

**P.O. CARACAPPA:**

Legislator Viloría Fisher.

**LEG. VILORIA • FISHER:**

Hi, Mr. Ceglio. I'm glad you're here. During our Ways and Means Committee meeting, you and Miss Fahey and Legislator Schneiderman had a chance to speak about this, and I'm glad that

the County Executive did send over the CN, so that it would reflect all of the input that you provided at that meeting, and including the motion picture piece, which we didn't think we would be able to put in so early. But one of the concerns that I had in committee, and I want to say it here at the General Meeting as well, is that the issue that we have at the airport is not only the setting of fees, but the collections of fees. And how are we going to do that during this busy U.S. Open? What's going to happen?

**MR. CEGLIO:**

Well, right now, the fees are collected by the fixed base operators that are there. I will discuss it with them. I really haven't gone over anything in detail for the long-term. We're looking at some automated computerized software to do it. For the U.S. Open, it's going to be on the hands of the FBO's. We don't have anybody there on a 24-hour basis to take down registration numbers and build each aircraft. If there's a way that we can do that, I will certainly look into it in the next week. But, right now, I'm probably going to just try to monitor the use by talking to the FBO, sending out a memo and giving them some details on how to do it.

**LEG. VILORIA • FISHER:**

And •• well, may I suggest to the County Executive's Office, to Economic Development, the Airport and to Legislator Schneiderman that that is something that we really have to continue to look at, because we could set all the fees we want, but unless we have a really regulated way of collecting them, accounting for them ••

**MR. CEGLIO:**

Yes.

**LEG. VILORIA • FISHER:**

•• they're going to be useless. And I'm very happy to see that you all did pool your thoughts, get together and have the CN come in that reflected those ideas. Thank you.

***[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]***

**P.O. CARACAPPA:**

Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Legislator Fisher, I agree with you a hundred percent. And we have been talking about this issue and I certainly would like to see the fee collection authority be given to the airport manager so that we can have a regular presence there in collecting fees. Currently it is with the fixed base operators.

One thing that's in place now that wasn't if you go back into last year, there used to be an exemption where an airplane landing was exempt from paying any fees if they had any work done or purchased anything at the airport. And so it was very hard to audit •• well, you bought a map for \$5, you could potentially get out of a \$20 landing fee, that is out. Now everybody who lands who is not based at that airport pays a fee, so it's a little bit easier to audit and, you know, with Tony there, hopefully we'll have a sense of how many planes land.

These new fees, just to give a little bit of perspective, the small planes the fees are actually slightly lower, so on the average maybe going down from \$12 to \$5 to land a very small plane. But the predominant users and the ones that tend to be more troublesome to the community are the corporate jets, they're louder. The fees on a small corporate jet would go roughly from \$11 depending on the weight of it, now that will be about \$50, the larger jets can be \$100, \$150, \$200 depending upon the size. So there will be significantly more fees generated through these rates than in the past, so I think it's good for the County, it's good for the airport.

**P.O. CARACAPPA:**

Thank you. Thank you very much.

**MS. FAHEY:**

Good afternoon. Carolyn Fahey with Economic Development. I'm here to once again talk to you about IR 1557 • Establishing the Gabreski Airport Advisory Committee.

As I mentioned in committee and I'm going to mention again today, the department has several concerns with regards to this resolution. One of them is that there's no discernable charges given to this committee, it's just a committee created to do oversight and come up with ideas that's basically beneficial to run the airport. There's no report required, there's no deadline required, there's no process for recommending individuals to this committee. Seven of the 14 committee members are appointed by the Economic Development & Education Committee of this Legislature.

When Legislator Schneiderman and I first discussed this concept, we talked about a tenant user or an advisory group that would help guide the airport and the Department of Economic Development in developing the airport, a committee that might include other department representatives, either the Health Department or the planning Department; this advisory committee doesn't do that. It has seven members appointed by the Economic Development Committee and various community representatives, but it doesn't include an important piece which would be the Planning Department and the Health Department. So we ask that you reconsider this so that we have an opportunity to create a committee that accurately reflects the direction that the airport needs to go in.

**LEG. SCHNEIDERMAN:**

I would like to ••

**P.O. CARACAPPA:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I would like to address that. First I think it's important to understand that this is a citizens committee, not a County government committee. The idea is to have airport management sit in the same room as the various stakeholders, user groups, the tenants, the pilots, the civic groups, neighbors of the airport, government officials from local government, to be able to hash out some of the problems that arise at the airport, to make the airport a better place so that we can move forward with some of the economic development plans and other improvements at that airport with a sense of community consensus which hasn't always happened in the past and sometimes it comes back to get in the way of moving forward with some of the things at the airport.

We can always add more people but I think that this committee can do with its basic composition what it needs to do.

In the past, the airport's Lease Screening Committee has ended up being a venting session for issues that have nothing to do with improving leases. The Airport Lease Screening Committee is designed to approve or disapprove leases and we end up getting bogged down over there with regular, you know, general complaints about the airport, so I thought it was important to create a body that could take those complaints, could work closely with citizens and develop a



consensus to move forward.

**MS. FAHEY:**

We agree with the concept, it's just a very formal process. The committee reports to the Legislature's committee as opposed to, you know, to the other committees that the County has set up to oversee facilities and make recommendations, report to the Commissioner of the department through the airport manager or, you know, the health clinics all have their own committees and they report to the Commissioner of Health through the Director of Public Health.

It just seemed as a way of formalizing a committee that would be nothing but a complaint session about airport management that doesn't come back to the department. We would like to see a little bit more involvement from actual tenants versus •• you know, we talk about it not being a County committee but we have all the surrounding villages, we have Southampton Town, I really am •• would like to have the Planning Department there as part of this committee if the Town of Southampton is going to be there with their representative because we get into various issues, you know, that we have some conflicts with Southampton on. The Health Department needs to be there, we have Brownfield sites, we have other health issues, not just one Brownfield site but we have three, four environmental sites, we have health issues with regard to the development of the industrial park and we have all of those issues that if they're part of the committee, when their tenants do come or when there is a complaint the answers are there instead of saying, "All right, now we have to go back." It makes it a more comprehensive, less formal committee.

**LEG. SCHNEIDERMAN:**

But you can't ••

**P.O. CARACAPPA:**

Jay, let me just interrupt. This is not ••

**LEG. SCHNEIDERMAN:**

If I could.

**P.O. CARACAPPA:**

This is not the time to debate the bill.

**LEG. SCHNEIDERMAN:**

Okay.

**P.O. CARACAPPA:**

This is the time for Ms. Fahey to say her opposition, she stated it for the record; when the bill comes before us, if there's questions amongst Legislators at that point in time we'll debate the bill. To get into a cross fire now, it's not the appropriate time.

**LEG. SCHNEIDERMAN:**

Okay, fair enough.

**P.O. CARACAPPA:**

Fair enough? Thank you.

**MS. FAHEY:**

Thank you.

**P.O. CARACAPPA:**

Ben Zwirn.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. I just want to mention that we have two CN's that have been prepared, one is for the Poulus property in Eastport, Town of Brookhaven and one authorizing the use of the old Toll Building at Smith Point Bridge which had been prepared for Legislators at the horseshoe and I can explain those at the appropriate time. But we do have with us today the Commissioner of Parks, Ron Foley, we have a CN in for lifeguards and he might better be able to speak to that.

**P.O. CARACAPPA:**

Hello, Commissioner.

**COMMISSIONER FOLEY:**

Good afternoon. Ron Foley, Commissioner of Parks. There is a CN before you that proposes to

amend the Suffolk County Temporary Classification & Salary Plan in the Department of Parks, Recreation & Conservation. Our goal here is to bring our lifeguard salaries up to a somewhat competitive rate. We're starting to see signs of a recruitment and retention problem, we would like to head it off before it gets serious.

Typically in June, after we have our lifeguards certified, all up on the stands and ready to go, other municipalities solicit them to come to work for a higher rate of pay and sometimes we lose them, so we're entering that time period right now. To justify •• we're asking •• we're proposing here that it be a three year adjustment so we don't have to come back year after year and so that returnees will know what they have to look forward to. To justify that, we polled the Town of Islip, Town of Southampton, Town of Babylon, the National Seashore, the State Parks at Jones Beach and Robert Moses to see what their salaries were, we averaged those out and we're not trying to get to the top of this schedule but the 2004 salaries we're proposing are below that average and, for the most part, stay in the range even out to 2006 of this 2003 average. So we're trying to stay in the ball park, not high, not the lowest. Any questions?

**P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. CARPENTER:**

Commissioner, can you just tell me what the range is, what the high and the low is?

**COMMISSIONER FOLEY:**

It depends on what category you're in. Starting out, a Lifeguard step 1 on the ocean ranges from 9.55 in Southampton to 12.56 at Jones Beach/ Robert Moses, we're proposing 10.80. The far end of the scale, which is the chief of all the lifeguards, ranges from 16.75 in Islip to 37.74 in Babylon and we're proposing 27.

**LEG. CARPENTER:**

Can you repeat that again? In Islip, what is the ••

**COMMISSIONER FOLEY:**

Sixteen seventy•five, this is the Chief Lifeguard.

**LEG. CARPENTER:**

The Chief Lifeguard.

**COMMISSIONER FOLEY:**

Yep; 16.75 per hour in Islip.

**LEG. CARPENTER:**

And in Babylon?

**COMMISSIONER FOLEY:**

Thirty•seven seventy•four. National Seashore, just so we don't get too far out of perspective, is 37.42 ••

**LEG. BISHOP:**

They run the show.

**COMMISSIONER FOLEY:**

•• and the State is 31.54, the average is \$31.

**LEG. CARPENTER:**

Good. Thank you.

**LEG. ALDEN:**

Islip hasn't raised its tax rate I believe in the last ten years.

**P.O. CARACAPPA:**

All right. Very good. Thank you, Commissioner.

**COMMISSIONER FOLEY:**

Thank you.

**MR. ZWIRN:**

We also have a CN on behalf of the Health Department for Beach Inspectors to monitor water quality for the summer and somebody from the Health Department is going to speak to that.

**DEPUTY COMMISSIONER SAPPHERE:**

Good afternoon. I'm Joah Sapphire, the Deputy Commissioner for Health Services. The CN before you is accepting a Federal grant that was awarded to the New York State Department of Health to Suffolk County Department of Health Services. This Federal grant is for \$96,195 and we would like to use this Federal money to hire two Public Health Sanitarian Trainee positions to do beach monitoring and inspection. And obviously the summer season is beginning right now so it's imperative that we begin to •• that we hire these people so that we can inspect beaches in Suffolk County.

**LEG. FOLEY:**

Thank you. Very good.

**P.O. CARACAPPA:**

Thank you. Legislator Carpenter has a question.

**LEG. CARPENTER:**

Yeah, could you just repeat your name, I have not seen you before, and your title?

**DEPUTY COMMISSIONER SAPPHERE:**

It's Joah Sapphire, J•O•A•H like Noah with a J, and I'm Deputy Commissioner.

**LEG. CARPENTER:**

Of the Health Department.

**DEPUTY COMMISSIONER SAPPHERE:**

Of the Health Department, yes.

**LEG. CARPENTER:**

Thank you.

**DEPUTY COMMISSIONER SAPPHERE:**

You're welcome.

**MR. ZWIRN:**

Thank you. We have one more CN that is before the Legislature today and that's amending the Capital Budget and Program to establish an affordable County Jail on behalf of the County Executive and Carmine Chiusano is going to speak to that.

**MR. CHIUSANO:**

How you doing? I'm Carmine Chiusano from the County Exec's Budget Office. The resolution that was put forth is an amended version of IR 1418 and the amendment increases eleven million four hundred and twenty-five for the Riverhead County Center to do a down-scaled version of the improvements. It would basically do upgrades to the electrical, mechanical, any of the elevators, do the appearance; it would do a down-scaled version to upgrade the Riverhead County Center. And this was an alternative plan devised, put forward by DPW and it would slightly scale back the amount that we had put in for the jail to approximately \$45 million. So this is an amended version of an earlier resolution and that's basically what it would do. Any questions?

**P.O. CARACAPPA:**

Nope, thank you.

**MR. CHIUSANO:**

Okay.

**MR. ZWIRN:**

Now I have the Commissioner of Social Services, Janet DeMarzo, to speak about the Tier II Shelter which is in IR 1561.

**P.O. CARACAPPA:**

Don't look so happy, Janet.

**COMMISSIONER DEMARZO:**

I'm sorry; it brings back memories. I'm here today to express concern about the inclusion of the Tier II Shelter in the Omnibus or the 1561 resolution for the Capital Budget.

As I had presented to the Legislature during the Capital Budget hearings, the department does not believe that we will be able to identify a site in the 2004 year. We want to do a comprehensive review to ensure that we look at as many sites as possible because we do know,

as one of the Legislators pointed out at that time, that it's going to be a significant administrative and political decision making process that goes into approving this site, so we would like to do as wide a search as we can and I am confident that by the end of 2004 I will not have completed that process. We have added it to our design and planning aspect of the project which we are right now working with DPW to put an RFP on the street for.

So I just came to say that, you know, based upon the current constraints and the time frame, that the department will not be ready to site the shelter this year and I'm not confident what happens with the dollars if they're appropriated this •• you know, if they're authorized this year and not expended.

**P.O. CARACAPPA:**

Thank you, Janet.

**LEG. CRECCA:**

I have a question.

**P.O. CARACAPPA:**

Question.

**LEG. CRECCA:**

Janet, would the •• would the County Executive entertain a CN on 1561 if we took out the Tier II Shelter in 2004, that appropriation?

**COMMISSIONER DEMARZO:**

I would have to defer to the County Executive's Office for that question.

**LEG. CRECCA:**

If you would find out, I think that might be something the •• we might consider.

**COMMISSIONER DEMARZO:**

Thank you.

**MR. ZWIRN:**

Finally, I just have some comments on behalf of the County Executive talking about IR 1651. Some of the appropriations in there are for projects ••

**LEG. LINDSAY:**

1561.

**MR. ZWIRN:**

That's what I said, I thought I said •• 1561? What did I say?

**P.O. CARACAPPA:**

We understand.

**MR. ZWIRN:**

I reversed it? That's how I type. Anyway, 1561. And on one hand I want to thank the Legislature and the committee that worked on this and their conciliatory tone through the process. I attended the press conferences, I attended some of the meetings with the union leaders subsequent to you gentlemen •• and I'm not sure if Legislator Carpenter was there, but I know that I saw Legislator Crecca and Legislator Caracappa and Legislator Lindsay •• and we followed them at least before the Long Island Federation of Labor. And I think everybody has been on pretty good behavior, but one of the things that troubles us is that apparently there were conversations held with the Commissioner of Corrections, the State Commissioner of Corrections that we were not aware of at any time. Even after having spoken with Mr. Croce that we still weren't aware of things that had changed from when our conversation has taken place, the County Exec's conversations on how quickly the jail needed to be done, how quickly it needed to be funded. And we learned only for the first time yesterday that they were more concerned about the planning money than they were about construction and getting it done in a very quick manner which was not something that we were aware of and it's not something that's reflected in the correspondence that we have from the State Commissioner as late as, you know, the middle of May of this past year.

And some of the items that are in 1561 are ones that just can't •• you know, when we went to speak to some of the union officials, you know, they said the Juvenile Detention Center is something we want to get done right away and there's good reason for it, we're shipping these young people off the Island, but we have a letter from May from the New York State Office of Child and Family Services which said they will not give us Certificates of Need for the beds and



they said to not move forward so quickly because if you build it, not only will they not come, we won't let you bring them there because there is a •• over bedded, as they stated; and I'll make these letters, you know, part of the record for you folks to look at.

But we were concerned because the way the process was done, and we talked about this at committee, Legislator Crecca and I, you know, we debated somewhat on this. And as I say, I'm trying to keep the tone very cordial because, you know, we all have the taxpayers at heart here and we're trying to, you know, do all the things we're supposed to do. And to the County Executive's credit, he's taken on a jail project which has been moved back over the years and he's ready to take it on full force. But his position is we can't have it all and we're trying to do this in a moderate and a fiscally responsible way; and we also understand that there's a system here that works back and forth, the Legislature is going to make their recommendations, the County Executive. But on certain kinds of information like conversations with the State Commission of Corrections, that would have been helpful. And I still don't know if anything was ever said in writing that might be helpful to us so we might have reached some sort of a compromise on some of these issues than have us so far apart; I don't know, I don't know if it could possibly be done. I know in good faith we brought The Dormitory Authority down here to try to take a look at what they might offer, and in that situation we would have to have the money in place before they would even get started because they've had some bad experiences around.

You know, there are things •• and I don't want to go through the entire bill, but there were things in 1561 like the airport hangar for the Medevac unit out at the airport. I think DPW had recommended 2.4 million, \$2.5 million for the project, there's \$1.5 million in 1561; and I don't know what part of the hangar you're going to leave out but, you know, it should have been the entire amount or, you know, some explanation because we're going to have free hangar space there. I mean, we're in the process of evicting tenants there, you've read about it in the paper, it is true; in fact, during the U.S. Open we will be in court evicting some of those people who have not paid rent for some time. There will be hangar space available and before we build something, wouldn't it make sense for us to take something that's available for nothing? And that was something that I think we could have done at an earlier time. I know Legislator Crecca suggested a CN maybe on some of these other things; I don't know if physically we can do that today but it's something I'll certainly take back to the County Executive if we can come to some sort of agreement on some of these projects.

I think what Carmine was talking about was this bill that we have a CN on today, there's eleven and a half million dollars for the County Center and try to push some of the jail project back with some of the new information that has come forward in our conversations with some of the Legislators. The entire project could be built if we can get a waiver of the Wicks Law on the jail project, it would potentially free up more money so that could be done right away. The fact is we want to work for you •• with you, we want to work for the taxpayers, which we all do. We are sorry that the process has gotten a little, you know, as my Dad used to say, fablungnet during this period of time; I don't know how Newsday is going to site that.

**LEG. VILORIA • FISHER:**

Mr. Chair?

**MR. ZWIRN:**

Allan, Allan could explain it. But short of that, I think that there are some issues in 1561 that I think we could have handled as two bodies probably a little bit better. Thank you.

**LEG. TONNA:**

I have a question.

**P.O. CARACAPPA:**

Legislator Tonna, Carpenter, Crecca •• he came over and asked me five minutes ago; Tonna, Carpenter, Crecca, Vilorina • Fisher.

**LEG. TONNA:**

Just one issue. We had at the last meeting Richard Johannesen as Chairman of the Ethic Committee come front and I requested the Presiding Officer send a letter, which I understand that the County Executive is in receipt of, about changing his whistleblower law and implementation with regard to designating Richard Johannesen Chairman of the Suffolk County Ethics Commission as the officer to receive, evaluate and investigate such employee reports and to present findings or recommendations for actions directly to the County Executive." And I felt that there a conflict there considering that he represented Mr. Wayne Prospect at a •• what do you call it again?

**P.O. CARACAPPA:**

Arraignment.

**LEG. TONNA:**

Arraignment, and that if anybody was to come forward in the Public Works Department or anywhere else and have to talk to the guy who actually did represent Wayne, I think that, you know, an employee would feel a little uncomfortable about that, to say the least.

So I was just going to ask you, I know that the County Executive's Office is in receipt of it, has there been any change in policy, has there been any submission of Executive Order No. 54 and, you know, can you tell me what's going on?

**MR. ZWIRN:**

Yes. Legislator Tonna, that •• the reason that Mr. Johannesen was in that position was only for a temporary period of time until an Executive Director could be named and then those duties would be transferred to the Exec Director; that has •• I believe about to happen and there is a letter in the works to explain that.

**LEG. TONNA:**

Okay.

**MR. ZWIRN:**

So that will not be an issue for you ••

**LEG. TONNA:**

Right.

**MR. ZWIRN:**

•• in the near future.

**LEG. TONNA:**

I would ask, maybe because I know it's his Executive Order and we don't have any say of it over, but maybe there could be some language that instead of just going to whoever that is, maybe they should think about going to the District Attorney since, you know, he deals with

really the enforcement of laws and things like that. So maybe in the Executive Order, whether I guess we call it whistleblower or 1984 legislation or whatever you want to call it, that we put in something that says that employees are encouraged also to go to the District Attorney, it seems like he's doing a pretty good job and, you know, that is just my recommendation. You know, I don't want to be the author or help write another Executive Order, but maybe, you know, to do something that way. Thank you.

**MR. ZWIRN:**

I'll bring that back to the County Executive directly. Thank you.

**LEG. TONNA:**

Thank you very much.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Good afternoon, Ben •• Mr. Zwirn.

**MR. ZWIRN:**

Hi.

**LEG. CRECCA:**

One of the things you talked about was the process and part of the process, and I can only speak for the process for the last five years that I have been involved in. But I guess my first question is it is •• or it's always been the Legislature's position when we're handling the Capital Budget to have the relevant personnel involved with projects in before to see us. We have often met with Commissioners, we've met sometimes with members from different departments in the County Executive's Office and also with outside people, too, State representatives, sometimes even State elected officials if there's any questions or things like that.

So I guess my first question to you is I really don't understand the difficulty in us meeting with the Commissioner of Corrections and having conversations with him, a couple of Legislators, in regards to the jail and the impact in the Capital Program and what the expectations of the State were and all that. I mean, is it your position that we should not have met with the

Commissioner of Corrections?

**MR. ZWIRN:**

Absolutely not. No, I think that was •• I think that's a great thing that you met with him. What I'm concerned about, and you may have gotten •• he may have given you information that we may have misinterpreted to be generous or given something that was different, said something different to us than he said to you so we just want to make sure we're on the same page.

**LEG. CRECCA:**

But do you ••

**MR. ZWIRN:**

I'm just saying, I have no •• we have •• there's no objection ••

**LEG. CRECCA:**

When did the Commissioner meet with you?

**MR. ZWIRN:**

We have a letter •• we spoke to the Commissioner recently but we •• the only correspondence we have that I have before me, which made it very hard and fast as to how quickly and what we had to do to make sure we didn't lose the waivers which cost the taxpayers of this County money by sending prisoners off•Island and out of the County, we were very concerned about that and ••

**LEG. CRECCA:**

But then the County Executive's Office met with the Commissioner of Corrections, didn't they?

**MR. ZWIRN:**

That's correct but ••

**LEG. CRECCA:**

Okay. Our meeting was subsequent to that.

**MR. ZWIRN:**

That's correct, but he may have said or given an interpretation of the facts different to you gentlemen than he did to us. And I'm not accusing the Commissioner of, you know, saying something, you know, two different things, but there may be a question of a misinterpretation that if we were •• if there were something in writing ••

**LEG. CRECCA:**

Well, you could just ask us.

**MR. ZWIRN:**

Well, I •• we didn't know about it till yesterday that there was that meeting and we didn't •• we asked if there was anything in writing and we were told there wasn't. We want to be very careful to comply, we're not trying to play politics with this, we're trying to do the right thing, we're trying to do a project that's going to cost a lot of money and we want to do it the right way, we don't want to send prisoners off•Island. We want to do everything the way they've asked us to do it but we want to make sure we're doing the right •• I mean, if we can •• if there's more flexibility in our game plan with respect to the Capital Budget, than we might be closer, you know, to agreeing on certain projects going forward as opposed to the positions that we've taken. We just want to make sure ••

**LEG. CRECCA:**

Right, I understand. But it was just ••

**MR. ZWIRN:**

If there was anything •• I'll ask you, was there any •• did the Commissioner give you anything in writing with respect to ••

**LEG. CRECCA:**

No.

**MR. ZWIRN:**

Okay.

**LEG. CRECCA:**

It was a very casual meeting and we had some questions for the Commissioner. We had not received a report, and I'm not complaining about it, about the meeting that the County

Executive had with the Commissioner and we had questions obviously about when we were going to have to save the money and as far as when the •• you know, when the Commission was •• I'm sorry, what the requirements of the commission were and things like that. It was •• you know, it was part of our regular Budget Steering Committee and the process that we move forward on.

The other question I had for you was when we funded the jail, most of the funding or all of the funding for the construction of phase I of the jail we put in 2006; would you agree that that is the time period in which it is anticipated that we are going to be able to put a shovel in the ground, so to speak, or start construction?

**MR. ZWIRN:**

Well, we do, you know, debate that. We think with the DASNY plan we could be in the ground the end of 2000 •• before 2006, in 2005.

**LEG. CRECCA:**

Again, here is where •• I mean, the Commissioner of Public Works ••

**MR. ZWIRN:**

Right.

**LEG. CRECCA:**

•• in his testimony before us and also ••

**MR. ZWIRN:**

The Commissioner of Public Works had two, one was planning and one was programming; programming was six months, planning was twelve months. DASNY does it simultaneously, so you save ••

**LEG. CRECCA:**

Okay. I asked the Commissioner, though ••

**MR. ZWIRN:**

I'm just saying, you save that six months.

**LEG. CRECCA:**

I'll let you finish.

**MR. ZWIRN:**

I think that's where the confusion is, we were rereading the documents today because we had heard that 18 month number and we didn't know where it came from and that's probably where it came from. If Public Works did it, yes, it would probably take 18 months; DASNY can do it faster because they can dual track it.

**LEG. CRECCA:**

Because I asked the Commissioner directly, and this was in the framework of the DASNY ••

**MR. ZWIRN:**

I understand.

**LEG. CRECCA:**

When was the earliest they thought they could get a shovel in the ground, he said early 2006.

**MR. ZWIRN:**

That's why communication between the bodies and everybody is ••

**LEG. CRECCA:**

Well, but we were doing our homework is what I'm saying.

**MR. ZWIRN:**

I'm just saying, if we had ••

**LEG. CRECCA:**

Also, my other question for you is with regard to •• to the jail again, and I don't say this as a criticism, I don't want it to come off that way, but we haven't even approved the planning process yet and signed the papers with DASNY, and I know we're in the process of doing that so that's why I say not as a criticism, but •• so we're not even •• 18 months from now we would be in early 2006.



**MR. ZWIRN:**

Right. Our position is that we could be in the ground quicker and that's •• you know, we can debate that but I think that's •• I think we could.

**LEG. CRECCA:**

The other question •• and again, I don't want to belabor this because we spent a lot of time in the committee •• with the Juvenile Detention Center. I'm aware and the committee was well aware of the May correspondence from the State. You were also aware, I think we gave you copies of the prior correspondences that were had between the Department of Probation and the State which the State was the one telling us to build a 32 bed facility, the State clearly said we have an obligation and put the pressure on us, much the way the Commissioner er Corrections is doing with the jail, that we had to do this. So just so •• I just want to make it clear for the record that you're •• and I'm not •• you're right.

**MR. ZWIRN:**

I understand.

**LEG. CRECCA:**

I think that the letter from the State in May was clearly an attempt to try to give themselves some wiggle room out of the required 50% reimbursement that they're required to do once we construct. So ••

**MR. ZWIRN:**

I'm just saying, we had the letter, you know, we're just ••

**LEG. CRECCA:**

Clearly this is something that's going to save ••

**MR. ZWIRN:**

I'm not disagreeing.

**LEG. CRECCA:**

Right. No, I know.

**MR. ZWIRN:**

The intent on both bodies is to do the project. Everybody wanted to move forward, but to move forward with a project that once you build it, you know, the State is going to prohibit you from using it and paying for part of it which •• you know, it's something that •• you know, it's hard for everybody to swallow but it's something that, you know, we can debate •• you know, it's the kind of stuff •• it's good to get this out and start talking about it.

**LEG. CRECCA:**

Absolutely. We're aware of the letter but we're, first of all, intent on moving forward with the project, I think that's the consensus, and I think that it will save taxpayers a tremendous amount of money. And I have to say both from legally and from the point of view of State aid, we have a clear cut case for our full 50% reimbursement on a 32 bed facility. Originally we had spoken about a 40 bed facility and the State, we actually have correspondence from the State saying, "No, build a 32. We're not sure if you need the 40 later on, we can always add it."

**MR. ZWIRN:**

I'm not saying there have been conflicting comments that have come from above, but that's one of the reasons why we talk about •• you know, talking to the Commission of Corrections for the State, I also want to make sure that •• you know, things can sometimes be fluid and sometimes things can change; we just want to make sure they're on the same page at the last possible moment.

**LEG. CRECCA:**

And just so we're clear, the Legislature has always, I think for the most part, worked cooperatively with the Executive Branch of government. And while there may have been a few ripples this year, there's nothing different in the process this year than there was in the past. In fact, when •• I mean, you said over the budget we weren't consulted with as to what was coming over in the Capital Budget, I'm not saying we should have been, that's part of the beauty of having separation of powers and sending it over and separate branches of government. I would just point out to you, though, to somehow allude to the fact that by •• that we introduced 1561 without, you know, any warning or without talking to the County Executive's Office first, I'd like you to keep in mind the fact that you sent over, the County Executive sent over IR 1418 which basically undid what this Legislature approved last year in their Capital Program and basically decimated a number of what I believe were important projects to the county and to the Legislature, again, without discussing with us first eliminating

a policy that had been enacted last year. And I'm not saying you need to discuss it with us first, but to say somehow that we had an obligation to tell you we were going to restore some of those projects, you know, that's what the process is all about.

**MR. ZWIRN:**

Right, and I'm not arguing. My only comment would be is that we could have had this conversation, you know, maybe a couple of weeks ago or a week ago and, you know, it would have been I think a little bit better for everybody if he we had, that's all.

**LEG. CRECCA:**

All right. Thank you, Mr. Zwirn.

**D.P.O. CARPENTER:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Hi, Ben. I have rather more practical questions.

**MR. ZWIRN:**

Okay.

**LEG. VILORIA•FISHER:**

I'm very committed to having the Medevac on the east end, I did sponsor the original legislation. And I was wondering if what you're proposing, with the lessees who will be vacating those areas, if that will result in any interruption in service of the Medevac in the east end.

**MR. ZWIRN:**

No, absolutely not. No, they're unrelated, they're completely unrelated.

**LEG. VILORIA•FISHER:**

Okay.

**MR. ZWIRN:**

The services are just •• you know, the Medevac helicopter is there, everybody has a strong

commitment. I live on the east end, I've seen the Medevac helicopter, I'm glad it's there, it's a comfort to me. My elderly parents are moving out east, you know, every bit of medical attention that can get served on the east end of Long Island. It's 63 miles for me each way to come to work, you know, God forbid you needed a medical emergency, it's nice to know that that is there. But rest assured that the County Executive has spoken with the Town Supervisors out there, there is no interest, there's not a thought of that service being interrupted or not funded.

**LEG. VILORIA • FISHER:**

Okay. The second question has to do with the Juvenile Detention Center; again, that's something which I believe we have invested a great deal of time and interest in and certainly it's important for Social Services issues that those kids be as close to home as possible. So I just would like you to clarify why the State is involving itself in this reversal. A few years ago there was talk of the County being sanctioned because we were not providing space for our youngsters who were troubled. What's the logic here?

**MR. ZWIRN:**

It defies logic.

**LEG. VILORIA • FISHER:**

Have you distributed the letter? You said you were going to.

**MR. ZWIRN:**

I have a copy of the letter, I'll certainly make it part of the record.

**LEG. VILORIA • FISHER:**

Okay.

**MR. ZWIRN:**

You know, it is a difficult issue. I can remember back in Nassau County back in the old days when we had a jail problem back then and the Justice Department came in and said we had to come in and build a new jail and we did, we built a beautiful jail, it's mostly got prisoners from out of Nassau County in it today. I mean, it's •• you know, it's a difficult issue and I understand, it's been a difficult issue for us, we're under State mandates to fund this and get it built because we're shipping people out of the area.

**[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]****MR. ZWIRN:**

Juvenile Detention Center, too, they've •• you know, Legislator Crecca said that, you know, he's aware of the letters that we had previously and the letters that we had most recently reversing course. You know, we don't •• it's certainly not •• it's not something that we asked for, it's just that we're on the receiving end of it, and sometimes you've been in •• you know, you folks have been up here and seen State mandates, and sometimes scratch your heads and can't figure out, you know, and this is one of them where you get conflicting messages, you know, move forward, go ahead, stop, you went too far. Now that you built it, you can't put anybody in it. But would all work under those kinds of constraints and we try to do the best we can, and when we have a united voice, I think we're a lot stronger.

**LEG. LINDSAY:**

Madam Chair.

**D.P.O. CARPENTER:**

Legislator Caracciolo.

**LEG. CARACCCIOLO:**

Thank you. Mr. Zwirn, the County Center in Southampton, it's not Riverhead, it's Southampton ••

**MR. ZWIRN:**

Oh.

**LEG. CARACCCIOLO:**

•• has been in deplorable condition for more than a decade. The elevator in that building has not operated, I'm told, since 1986. It's been in the Capital Program and Budget, not only as long as I've been a Legislator, but my predecessor's tenure, which would span •• was a ten •• year span. When •• when does it become a priority to tackle that project and do it in a cost effective manner? What is the current cost of that project.

**MR. ZWIRN:**

Okay. I'll answer when you're •• I don't want to interrupt you.

**LEG. CARACCILOLO:**

Yeah. First, the last part of that question. What is the current projected cost of that Capital Project?

**MR. ZWIRN:**

I believe it's 27 1/2 million dollars.

**LEG. CARACCILOLO:**

Do you know what it was back in 1990?

**MR. ZWIRN:**

It was almost before I was born, I don't know.

**LEG. LOSQUADRO:**

That's my line.

**LEG. CARACCILOLO:**

I don't know the precise number, but I would dare say ••

**MR. ZWIRN:**

That makes two of us.

**LEG. CARACCILOLO:**

I would dare say, based on some other numbers that we heard earlier about deferring capital improvements, it probably would be in the area of maybe one•tenth that cost, or something on that order. Unfortunately, in this State, we have to deal with State law called the Wicks Law and that adds to project costs, but we can't do anything about that in this County. We're, you know, mandated to follow the State law. So, if we don't do it now, when do we do it? And how much has it cost, more importantly, for us to put band aid after band aid on the HVAC problem there, the thousands of dollars annually that we waste through inefficient energy use? I mean, when does this become a priority?

**MR. ZWIRN:**

Well, I don't think it's not a priority, I think, you know, the County Executive has to try to balance everything. But we did put today a CN to do 11.5 million dollars worth of work that Public Works had put in at a time, which is a scaled down version. And, if the Wicks Law could be waived for the jail project, we would have the rest of the money that we could put into the entire project right away. I know that is a pet project everybody wants to do. It's a project that's been around for a long time, we understand that. We're just trying to balance the concerns of what needs to be done for the infrastructure.

Nobody's going to argue that the Riverhead complex is not in bad shape. I mean, the escalator doesn't work. I mean, we're aware of it, we're out there. We have people in the County Exec's Office who work out there and we know that the conditions are not great. We're just saying that we're trying to do this in a way where we don't have to really, you know, beat the taxpayers over the head because of other projects that had been pressing on us, and we're just trying to do it in somewhat of a priority. But I think today we're trying •• you know, now that we think that there may be more, for a better word, wiggle room with the State putting the planning money in. It may free up some money, so we could do •• get that project started right away. We're sensitive to it, and we're trying to •• we're trying to •• we're trying to be like you guys, we're trying to do •• you know, to be as much to all people as possible. But, at the end of the day, there's a bill flaw, so we're trying to be, you know, sensitive to that as well.

We saw what happened with the school budgets this year. You know, education is a very important thing. People want to educate their kids, and their school districts also reflect their property values in the community. You have good schools, you have good •• you have strong property values, strong home values. And I think the taxpayers are sending a message and we're •• you know, we're listening. I know you folks are listening, too, but we're trying to be sensitive to it and try to say, "Look, we can do a lot, but we may not be able to do everything." But, in response to some of the information that we've received recently, as early •• you know, as late as yesterday, we're trying to, you know, move some of this stuff along the way, and the Riverhead project in Southampton is one of those projects we're trying to move on.

**LEG. CARACCILO:**

The debt service in the Budget Review report regarding the next three•year Capital Program and Budget, are you familiar with that?

**MR. ZWIRN:**

I would defer to Carmine on this, if you •• if he'll come up.

**LEG. CARACCILO:**

Could you relate to us how the debt service cost in the County's General Fund translates into property taxes for the average homeowner?

**MR. CHUISANO:**

How the cost transfers ••

**LEG. CARACCILO:**

Right. For example, I'm looking at a chart, and maybe I should pose this question to our Budget Review Office and then get your response, I'm looking at a chart that indicates that for 2004, the debt service cost associated with the County's current three•year program is 94.3 million dollars. Jim, for the average homeowner, how much does that translate in a General Fund property cost?

**MR. SPERO:**

Every •• we estimated for the average General Fund taxpayer, each 10 million dollars in debt results in a \$2.05 increase in property taxes, if it was all on property taxes.

**LEG. CARACCILO:**

Okay. So, when we look at the current operating year budget, 2004, what does it cost the average Suffolk County resident for the debt service we currently have incurred?

**MR. SPERO:**

Eighteen dollars and forty•five cents.

**LEG. CARACCILO:**

Okay. So, you know, when I see press releases, or I see a press conference trying to portray to the public that somehow this Legislative body, if it goes ahead today and approves the Capital Program Budget amendments that are before us, that that 49, 50 million dollar additional proposed spending, and that's all it is, it's a blueprint, we don't spend a time until we pull the trigger here on each individual capital project. Let's stop playing that charade with the public.



Let's tell them the truth. Let's tell them what it's costing them right now for debt service. Let's tell them what it will cost them if we don't take on these projects that we have deferred for a decade or more.

You know, I really get, you know, taken back when people like to throw numbers around, but they don't want to tell the whole story behind the numbers, and we'll be hearing more about that a little later. But, having said that, I mean, what is the rationale here, Mr. Zwirn? Are we concerned about going from 18 to \$20 per taxpayer in the General Fund? We just saw school districts across •• I'll wait until I have your attention. We just saw school districts, not only in this county, but in the Bi•County region, 127 school districts, one•third of their school budgets go down. That's because the average increase Island•wide was close to a double•digit increase. Now, that has real meaning and real financial impact on a family, not \$18 a year.

**MR. CHIUSANO:**

If I could just interject for a second. Keep in mind that the County does have approximately 385 million dollars in authorized appropriated projects out there, and, at some point, that debt service will be •• that authorized, but unissued, debt service is going to be issued, and that will be additional costs that are funneling into the General Fund through the debt service, so, plus, any increases that you add through the Capital Budget going forward will compound that issue. So, I think, you know, it's important that we try to keep the Capital Budget as level or as low as possible, and •• while doing the essential infrastructure. But keep in mind, there is tremendous potential out there to ••

**LEG. CARACCILO:**

Conversely, though ••

**MR. CHUISANO:**

•• increase the debt service.

**LEG. CARACCILO:**

Conversely, though, when you defer these projects, we all know where interest rates are going. We know that we just came to a period, a period of 46 year lows in mortgage rates and other loan instruments. They're only going up from here, so let's factor in, if we wait two or three years, what will the rates be then? And I submit there won't be any savings at all. All

you're doing is playing this shell game with the public that we can do it later and somehow, instead of paying \$20 a year now for debt service, we want to keep it at 18, but four years from now, after re•election time, it will be 25, \$26 a homeowner.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

And it won't matter, you won't have saved the public a dime. Yes.

**P.O. CARACAPPA:**

If I might.

**LEG. CARACCIOLO:**

Yes.

**P.O. CARACAPPA:**

We're kind of debating each other now ••

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

•• on no specific item, just ••

**LEG. CARACCCILOLO:**

I'll wait for the resolution.

**P.O. CARACAPPA:**

•• an opinion given by Mr. Zwirn earlier.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

I'd ask, if there •• you know, if we're going to debate, we'll debate each other, because that's what we're here for, not to debate speakers who gave their opinion from The County Executive's Office, and we'll do it when we •• when the bill's before us.

**LEG. CARACCILO:**

Very good.

**LEG. BISHOP:**

Here•here.

**P.O. CARACAPPA:**

So, let's try and keep that train of thought. There are still people wanting to speak, though, so I'll recognize them. Legislator Lindsay.

**LEG. LINDSAY:**

I don't know weather it's a debate, it's just a difference of opinion, and I just would like to point that out. Mr. Zwirn, the process that you described by the State Dormitory Authority, I have a problem with planning and design going forward simultaneously. Usually, when you build a construction project, you decide what your needs are, that's the planning. From those needs, you put pencil to paper and design a building before you start building it, and I don't •• you know, maybe towards the end of that process, planning and design can be merged a little bit, but to say that they can continue on a simultaneous path kinds of defies reason.

**MR. ZWIRN:**

Well, they made the presentation.

**LEG. LINDSAY:**

I was here.

**MR. ZWIRN:**

I'm just saying, so ••

**LEG. LINDSAY:**

I was here. I didn't pick that up in their presentation.

**MR. ZWIRN:**

Well, I can •• I can get that for you and show it to you.

**LEG. LINDSAY:**

You know, I heard them say that they could possibly fast track the process a little bit, especially where SEQRA was concerned.

**MR. ZWIRN:**

That's correct.

**LEG. LINDSAY:**

And I've heard that statement. But to assume that planning and design can go together on parallel tracks I think is an impossibility.

**MR. ZWIRN:**

Okay.

**LEG. LINDSAY:**

All right? The other thing, that I was looking at the letter from the Office of Children and Family Services. I was trying to pick up •• this project has been bid twice now, right, and the million and a half we were trying to appropriate was to avoid bidding it a third time, just to get the thing started finally, because we keep seeming to be behind the curve every time we bid it. Do you know the last time it was bid? I was looking for that in the communications.

**MR. ZWIRN:**

I don't have that. I could get that for you, but I don't have it.

**LEG. LINDSAY:**

Was it prior to this letter, do you know, or was it after the letter?

**LEG. CRECCA:**

The Juvenile Detention Center?

**MR. ZWIRN:**

It must have been.

**LEG. LINDSAY:**

Yeah.

**LEG. CRECCA:**

It was before the letter.

**LEG. LINDSAY:**

It was before the letter.

**LEG. CRECCA:**

Yes.

**LEG. LINDSAY:**

Okay. So, we bid it the second time, then the State said not to go forward. It seems •• you know, I got the letter, I'm not doubting the validity of the letter, it just seems like a bizarre situation. If by chance our version of the Capital Budget, the Legislature's version passes, and, you know, the County Executive either signs it or if he vetoes it and we override it, or whatever, and we don't go forward with the project, what happens to the appropriation?

**MR. ZWIRN:**

Well, it's there. You know, you could move forward with it at any time.

**LEG. LINDSAY:**

Next year, whenever the State decides what the hell we're supposed to do?

**MR. CHUISANO:**

If we don't move forward with the project because certification is not available, the appropriation would stay there until the County Executive and the Legislature closes the project.

**LEG. LINDSAY:**

Okay. But the point is that we're not going to start building it until we have the certification from the State. We can't, right?

**MR. ZWIRN:**

Well, you can, but it would be foolish.

**MR. CHUISANO:**

You actually have to build it first to get the final certification.

**LEG. LINDSAY:**

But isn't there a pre-certification?

**MR. CHUISANO:**

There would be some •• they would have to indicate support.

**LEG. LINDSAY:**

I mean, that's what they're talking about here with the plan, right.

**MR. CHUISANO:**

But that's what they're doing ••

**LEG. LINDSAY:**

Right.

**MR. CHUISANO:**

•• is they're kind of removing their support.

**LEG. LINDSAY:**

Okay. But my point is, until we get this clarified, I can't see us going forward with the project.

**MR. ZWIRN:**

I agree.

**LEG. LINDSAY:**

And the last point, and really is to Carmine mine, and, again, I don't really mean to be argumentative at all, and I think everybody at this horseshoe appreciates the affect that the Capital Budget has on the Operating Budget and our tax bills and everything, but I think you both have to admit that putting a homeless family in a motel at \$5,000 a month has an affect on the Operating Budget, shipping prisoners out of County at a cost of, what, 5 million a year now if we project out what it's costing us, if not more.

**MR. ZWIRN:**

I think it's more.

**LEG. LINDSAY:**

Shipping juveniles out of County at 12 million a year certainly has a cost to the Operating Budget.

**MR. ZWIRN:**

You're right, that's true.

**LEG. LINDSAY:**

I mean, the illusion that if we don't spend the money on building these projects, that we're going to save money, really isn't true.

**MR. CHUISANO:**

Well, those particular projects, it's not that we're not supporting it. Clearly, the homeless shelter The County Executive's Office clearly supports, it's just a matter of whether or not we need the 1.5 million dollars for the land at this point when we already included it in 2005, because we know that the site won't be selected ••

**LEG. LINDSAY:**

Okay.

**MR. CHUISANO:**

•• in time and the SEQRA won't be in place.

**LEG. LINDSAY:**

Let's take that one step forward. And I'm sorry, Mr. Presiding Officer, for going on, but I think this is an important issue. If we did ••

**P.O. CARACAPPA:**

We said 8:30.

**LEG. LINDSAY:**

If we did, if we did go forward with, again, our version or the Legislative version of the Capital Budget and that million•and•a•half is in there for that, and we don't get a site, we don't get SEQRA, we've already approved the money, what happens to it?

**MR. CHUISANO:**

If you approve the money ••

**LEG. LINDSAY:**

Yeah.

**MR. CHUISANO:**

•• you appropriate it, and you don't get SEQRA?

**LEG. LINDSAY:**

Yeah, we don't go forward with it yet, we don't •• we haven't ••

**MR. CHUISANO:**

It would sit there until the project was closed.

**LEG. LINDSAY:**

Okay.

**MR. CHUISANO:**

Can't use it for anything else.

**LEG. LINDSAY:**

Okay.



**MR. CHUISANO:**

So, it would sit in that project.

**P.O. CARACAPPA:**

The bonds wouldn't ••

**LEG. LINDSAY:**

Okay.

**P.O. CARACAPPA:**

The bonds don't get issued until you need the cash.

**LEG. LINDSAY:**

Okay. I know that. I know that, but it's sitting there, that's my point. If we don't use it this year, we use it next year, right?

**LEG. CARACCCIOLO:**

Maybe.

**MR. CHUISANO:**

Once you get the SEQRA, yes.

**LEG. LINDSAY:**

Okay.

**MR. CHUISANO:**

But you're really supposed to have the SEQRA in place in order for the bond to be approved.

**LEG. LINDSAY:**

But we •• I •• well, okay.

**P.O. CARACAPPA:**

Legislator Carpenter.

**D.P.O. CARPENTER:**

Mr. Zwirn, when you stated that you were surprised over the information that you got yesterday about the conversation with the Commissioner of Corrections, that all they really needed to see now was a commitment on the part of the County with the planning money going forward, that was a surprise to you?

**MR. ZWIRN:**

Yes.

**D.P.O. CARPENTER:**

Okay. But last week during the meeting, the joint meeting between Public Safety and Public Works, and I know that you were in attendance, along with other members of the County Executive's staff, the representatives from the Sheriff's Department came forward, and I do believe that they basically said the very same thing. So, to characterize the surprise over hearing that, I'm surprised.

**MR. ZWIRN:**

Well, is this the State, the State Commissioner of Corrections was here to •• at the hearing, or the local Sheriff?

**D.P.O. CARPENTER:**

At the hearing on a week ago Tuesday, it was the representatives from the Sheriff's Department, the Under•Sheriff.

**MR. ZWIRN:**

From the County.

**D.P.O. CARPENTER:**

From the County.

**MR. ZWIRN:**

Well, I ••

**D.P.O. CARPENTER:**

Who came forward and said that ••

**MR. ZWIRN:**

The State?

**D.P.O. CARPENTER:**

That •• right, exactly.

**MR. ZWIRN:**

Well, I didn't hear it.

**D.P.O. CARPENTER:**

Oh, okay.

**MR. ZWIRN:**

So, if it was done ••

**D.P.O. CARPENTER:**

Well, it was done, it was said, and I'm sure I could pull the minutes out. I did hear it, so I was surprised when you said that you were surprised that you first heard that yesterday, but I think that ••

**MR. ZWIRN:**

Well, we didn't speak •• in all •• with all due respect, we didn't hear it from a representative from the State, and that's important, because it's the State that's driving this process. And let me make it clear, we're not against •• we know, as you know, that we need a jail, needed it for awhile, and this County Executive is committed to doing it, you know, not playing politics. He's trying to put the money on the table to get it done as fast as possible, so we don't have to incur the cost of shifting prisoners out •• off ••

**D.P.O. CARPENTER:**

Right.

**MR. ZWIRN:**

Out of the County.

**D.P.O. CARPENTER:**

But to say that the State is driving the process I think is a little bit of a mischaracterization, because the State isn't the ones that put the conditions of the jail in the state of affairs that it's in today, that was Suffolk County; okay? And there are rules and regulations that I am sure promulgated by the Commission of Corrections and the State of New York that say how many prisoners can be in place and, you know, what the mandated staffing levels are, and all of these other things that not only Suffolk County has to adhere to, but every other County in the State of New York. And if we are working with a facility that does not meet those standards and we have been granted waivers •• and I've been here 11 years and this problem didn't just happen, it didn't just happen when the County Executive, you know, took office, it didn't happen while he was in the Assembly, and it began to happen while he was a member of this Legislative body for 15 years, so it shouldn't be a surprise to anyone.

And I don't think that it's right to say that the State is driving the process. We are, you know, in charge of our own destiny and we have an opportunity to make it right. And the RFP was awarded in September. The consultants and the architectural firm, from the information that we were given the other day, have been moving forward, absent authorization albeit, but there has been work that has been done. And it doesn't take much to understand where signing those documents or going forward with the planning process would go a long way to finally saying to the officials in Albany that, yes, we are serious with addressing this problem long term, that we're not throwing band aides, that we're really serious about doing it.

**MR. ZWIRN:**

But, Legislator Carpenter, that's exactly what the County •• the County Executive has gone out on a limb and said, "I'm ready to go." I want a •• I want a •• I'm not talking about just planning money, I'm talking about we agree •• all I could say is, back in the '60's, right on, you're on our side. We're on the same side. We want to get this thing done as soon as possible. We're not arguing that the State's driving the process, not because we have a jail that's not •• it's substandard, they're forcing •• they're doing the right thing. We're supposed to be moving forward on this. The County Executive is running this •• he's been here as a County Executive for •• he's in his sixth month. He's going full speed ahead to do the right thing on this, and I know he has your support.

**LEG. CARPENTER:**

And I think that the •• probably, the easiest, most effective way would be to go forward and sign those documents, and that would show for once and for all that we are serious, whether we go with DASNY or we don't go with DASNY, but that we start the process, and all it takes is his signature on the documents.

**MR. ZWIRN:**

Well, with DASNY, you have to •• you know, it's show me the money, and I think that's part of it, and that's part of the discussion that the Legislature is going to have to have. They want to know that the money has been encumbered, that that money is going to be there for them.

**D.P.O. CARPENTER:**

But, certainly, it's not going to be problematic for them if the documents have already been signed and some of the work, you know, would kind of be jump•started on it, so to speak. And they sat here at this table last week and said that they were very, very comfortable with the procurement process that Suffolk County had gone through, that they had reviewed all of that and would be very comfortable with our selection.

**P.O. CARACAPPA:**

All right. We're going to get nothing done for a jail or anything else if we don't stop talking and get to work here. So, Legislator Schneiderman.

**D.P.O. CARPENTER:**

I wasn't finished, though.

**P.O. CARACAPPA:**

Oh, I'm sorry, Legislator Carpenter.

**D.P.O. CARPENTER:**

That's all right. I had •• besides the jail, there were two things that you said that I just wanted to make sure that the record was clear. You stated that you didn't want to, quote, beat the taxpayers over the head, and, certainly, that is not anything that anyone on this Legislative body wants to do. We are always very, very mindful of the taxpayers, and I think that message

came through loud and clear at the press conference yesterday. Taxpayers are sending a message, and we are trying to do the right thing.

And as far as the Riverhead facility is concerned, you characterized that as a pet project, and I found that a little ••

**MR. ZWIRN:**

Not ••

**D.P.O. CARPENTER:**

You said "pet project"; okay? So, I just want to make sure that just because the Legislature meets in that building, certainly, that isn't what's driving the process as far as addressing that building that is woefully inadequate, that has County employees working there probably 24/7, with the health center and all of the other things that are in place there. And for us to continue to ignore that is going to cost us twice as much in the future. And I'm not going to repeat all of the arguments that were made about that, but I just wanted to make sure that that characterization of it being a "pet project" was not exactly accurate, it's just something that needs to be done.

**MR. ZWIRN:**

I didn't mean it in a •• there was no negative connotation to it.

**D.P.O. CARPENTER:**

No, I didn't think that you did.

**MR. ZWIRN:**

I just •• no.

**D.P.O. CARPENTER:**

But I just wanted to clear the record, because sometime when the words are written, it kind of comes across that way.

**LEG. SCHNEIDERMAN:**

I'll try to be •• I'll try to be brief. Mr. Zwirn.

**MR. ZWIRN:**

Yes.

**LEG. SCHNEIDERMAN:**

I appreciated your comments on the Medevac helicopter as an East End resident. I know that you're concerned and the County Executive has certainly expressed his commitment to trying to keep that out there on the East End. The citizens, as you know, rely heavily on it, and we have in the past seen attempts to move it back to Islip. I'm largely pointing to that \$5,000 in rent that we pay. So, we're looking for a permanent home. I think people will feel much more comfortable knowing it has a permanent home. The money is in the budget currently to build this permanent home, to •• right now, the place that we're renting has certain facilities that are necessary for the staff for that Medevac helicopter. As you know, I think there's three people that are there round the clock. They need restroom facilities, they need a lounge, they need an office space.

You spoke earlier about evictions, and that we don't need the money in the budget, because we're going to evict somebody and they'll have the right hangar. You need a hangar. You, obviously, need these facilities. You know, evictions don't always go the way you want them to, you certainly hope. Even if we are able to get a space, we may have to retrofit that space. It may not be located in the right spot in the airport. Certain facilities are better designed for other purposes. You certainly need to be able to get out quickly and launch the helicopter. You may not want it right, you know, too close to the terminal building, etcetera.

So, I would like for my own security to know what you're talking about. Is there a particular building that you think won't need to be retrofitted that's ready to go that we're going to have right away? And if not, don't you think it makes sense to keep the money in place until an alternative site is found for sure, because people really are nervous about it.

**MR. ZWIRN:**

Well, I don't know they should be nervous about it. There's no intent at all, unless, you know, somebody is out there trying to scare them and saying that they should be nervous. There is no intent to move this helicopter anywhere. There will be empty hangars out there. Our cases are very strong. There's a failure to pay rent for over a year in some cases. There's no immediate threat of the helicopter being displaced. They are paying rent out there. It's 5,000

a month, it's \$60,000 a year, versus really 2.4 million dollars, which I think has been a really •• was in the budget originally to put the right hangar for this Medevac helicopter, but we may have one very short time for free. So, I mean, it's not going anywhere, despite what some people have said. So, I mean, that's our position. You know, I don't think it's •• anybody is •• that helicopter is not in any jeopardy of going anywhere.

**P.O. CARACAPPA:**

Thank you, Mr. Zwirn.

**LEG. SCHNEIDERMAN:**

If you're going to have one soon, don't you think you would keep that money in place until that time?

**MR. ZWIRN:**

I just think we'll know in a short time whether •• where we're going to put the helicopter. There's no •• there's no urgency. We just didn't want to appropriate the money when we didn't need to or push it back. But, you know, that's a question of debate, but I don't •• I ••

**LEG. SCHNEIDERMAN:**

Well, from an economic perspective of •• you know, the \$5,000 could offset a good ••

**LEG. BISHOP:**

Please, come on.

**LEG. SCHNEIDERMAN:**

A good deal of the debt service for building that hangar.

**P.O. CARACAPPA:**

All right.

**MR. ZWIRN:**

I just have one other item. I will be quick. It's on a Sense Resolution. It's the last ••

**P.O. CARACAPPA:**

You said quick two hours ago.



**MR. ZWIRN:**

Well, I'm just answering questions.

**P.O. CARACAPPA:**

I know.

**MR. ZWIRN:**

I'm ready to sit down.

**LEG. ALDEN:**

We have a brand new 19th Legislator.

**P.O. CARACAPPA:**

It was a joke. It was a joke.

**MR. ZWIRN:**

I'm just saying ••

**P.O. CARACAPPA:**

Mr. Zwirn, finally.

**MR. ZWIRN:**

There's a sense resolution that's been circulated, Sense 58, which is calling on Suffolk County Executive to authorize the closing of nonessential County offices in observance of the death of President Ronald Reagan. And we just want to point out that, you know, we all mourn the loss of the President, whether you're a Democrat or Republican. He served this country honorably for eight years as the President, and before that as a Governor of the State of California. We just want you to be aware that Nassau, Westchester, New York City and Erie Counties have decided not to close on this day, and the cost to the taxpayers would be over 3 million dollars. So, I know that President Reagan, who was tight•fisted, and I think he would want everybody at work and to mourn him in their own way, but not necessarily ••

**P.O. CARACAPPA:**

You thought it was going to be quick, now Allan just came in.

Okay. We appreciate •• yeah,you've made •• you made your ••

**MR. ZWIRN:**

That's all.

**P.O. CARACAPPA:**

•• your position clear. Thank you.

**MR. ZWIRN:**

Thank you very much.

**P.O. CARACAPPA:**

And now, we're actually going to ••

**LEG. BISHOP:**

You want to take that one out of order?

**P.O. CARACAPPA:**

No. We're going to get to the Capital Budget now. So, everyone please •• all Legislators report to the horseshoe. We're going to do the Capital Budget. It's this packet. The amendments, it shouldn't take us long, because seeing that we debated everything on it already.

**LEG. MYSTAL:**

Can we end this meeting? Let's go, let's go, Joe.

**P.O. CARACAPPA:**

I'm trying, Elie, I'm trying.

**LEG. MYSTAL:**

I've got a life somewhere. I'm trying to find it.

**P.O. CARACAPPA:**

God bless you.

**LEG. MYSTAL:**

I'm trying to find it. I don't have one, but I'm trying to find one.

**P.O. CARACAPPA:**

Okay, here we go. Ready?

**LEG. MYSTAL:**

Ready, go.

**P.O. CARACAPPA:**

Mike, we're going to do the Capital Budget.

**LEG. BISHOP:**

Can I ask one question, a request? Just a ground rule request.

**P.O. CARACAPPA:**

Yes.

**LEG. BISHOP:**

And perhaps this Legislator will know that I'm talking about him, but in my statements about this Capital Budget, I'm going to attempt to make statements without engaging in long dialogues with Budget Review, with Ben Zwirn. I mean, we'll just •• just, if you have facts, lay them out, and then let the other side rebut them. But, you know, what really drags these things on interminably ••

**P.O. CARACAPPA:**

Are statements, as opposed to questions.

**LEG. BISHOP:**

Yeah, is when we do this dialogue with •• you know, to try to establish facts and the jury's not paying any attention, you know.

**LEG. MYSTAL:**

Mr. Chair.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

I have a better discussion, Mr. Bishop. Mr. Bishop, I have a better suggestion. Why don't you just shut up and let everybody vote and then we can go home.

**P.O. CARACAPPA:**

Let's go. 2005•2007 Capital Program. You should have your indexes. I'm going to make a motion to approve Budget Amendment Number 1, which is Omnibus ••

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Deputy Presiding Officer Carpenter.

**LEG. MYSTAL:**

Roll call.

**P.O. CARACAPPA:**

All in favor?

**LEG. BISHOP:**

No, no, no, no. Is this on the •• can I speak on the motion?

**P.O. CARACAPPA:**

This is on Amendment 1.

**LEG. BISHOP:**

Is this the Omnibus? I mean ••

**P.O. CARACAPPA:**

This is Omnibus, correct.

**LEG. BISHOP:**

So, this is the whole kit and caboodle, right?

**P.O. CARACAPPA:**

This is ••

**LEG. BISHOP:**

This is the appropriate time to speak on it?

**P.O. CARACAPPA:**

This is 2004•2007.

**LEG. BISHOP:**

Okay, thank you. I want to speak •• I want to speak on it, because you're making a terrible, tragic mistake in voting in favor of it.

**LEG. MYSTAL:**

Okay. We know that, so thank you.

**LEG. BISHOP:**

But I want you to know why.

**LEG. MYSTAL:**

We know why. Let's go.

**P.O. CARACAPPA:**

On the motion on Capital Budget Amendment 1, which is omnibus.

**LEG. BISHOP:**

First of all, I ••

**P.O. CARACAPPA:**

Legislator Bishop, go right ahead.

**LEG. BISHOP:**

Thank you, Mr. Presiding Officer, and I ••

**LEG. CRECCA:**

Get on the bus.

**LEG. BISHOP:**

Right. There's a Levy bus and a Legislative omnibus and both of those buses drive taxpayers off a cliff, ultimately. If you look at the two capital proposals side by side, the Levy proposal raises the amount of borrowing to a new plateau, and the Legislature takes that plateau and builds mountains on top of it. And I think that I've never seen a Legislature in my time here that has such a disconnect between its votes and the implications of what their votes will cause.

The first thing you have to understand is that there's 380 million dollars of appropriated debt out there, so, at any time, those projects can go, and they will go over time, and that's tremendous pressure on the taxpayers on debt. You know, right now, the level of debt that we take out of the Operating Budget, that we tax the public for to pay off debt is 93 million dollars. If you had a level debt policy, what you would try to do is have a policy going out that would have between 90 and 100 million dollars every year to pay off debt. We were doing that through most of the 1990's. In recent years, for a variety of pressures, we've abandoned that. Now we're seeing a spike up in debt. We compounded that with a maneuver earlier this year where we dealt with significant pressures in the Operating Budget, very significant pressures, pressures in the 50 to 100 million dollar range by refinancing, and that creates spikes in certain years, and that is essentially using borrowed money later on to pay for problems today. So, that is a problem that you add, that you add to the overall situation.

The Levy proposal says 55 million in '04, 66 million in '05, 10 million in '06. The Legislature says 7 1/2 in '04, this year, 63 next year, 48 the next year. Taken together, both of them add over 100 million dollars to the already problematic level of debt service. Now, the Legislature •

• I mean, County Executive Levy says, "If you want to build your jail, you're going to have to make other cuts to pay for the jail," and so he proposed a 50 million dollar cut this year, right? Is that •• am I accurate?

**P.O. CARACAPPA:**

(Nodded yes).

**LEG. BISHOP:**

The Legislature, no doubt, will reject that. In addition, the Legislature wants 27 million dollars immediately for the Riverhead County Center, and the Legislature, in their capital proposal, has a fictitious cut of 25 million dollars to the jail. Why is it fictitious? Because it's not based in any reality, other than an arbitrary decision that, hey, maybe we could do it for less. Well, I hope you're right, but I don't think there's anything that will prove that.

Let's begin for a moment once again with what the real problem with the capital situation is in this County, and that's that you're going to attempt to have your cake and eat it too with regard to this jail. You want to build this jail, and yet you don't want to make any cuts elsewhere, and you don't even want to prioritize what's coming in the future. So, you're not going to cut anything that's already been voted on, you're not going to stop anything in the future, and you're going to build your jail as well. Well, the jail process is completely backwards.

I passed out earlier, and I hope you'll have a chance to take a look at it, because I've been making this statement over the last year or so that all around the country they've dealt with this issue, and we're perhaps the only jurisdiction, the only one that I'm aware of, that makes commitments to hundreds of millions of dollars first and does meaningful needs assessments second.

The Pulitzer Bogard Study, the one that you're relying on, admits that they didn't have the data to look at alternatives, so we have not fulfilled our obligation to study alternatives first before we commit to the jail. Now, you could an blame the State all you want, but you in this Legislature have recently refused to adopt any resolution that would pay for an independent study of alternatives. So, you can't blame the State for that, that's our own decision•making process.

The Under-Sheriff earlier said that it's premature to put a price tag on this. You have this fictitious cut of 25 million dollars. The renovation projections that are being used are at \$17 per square foot. Now, I don't know a lot, but I do understand that you can't get anything done at \$17 a square foot in this County. If you think that the number's going to come in under what the Pulitzer Bogard number is, you're living in a fantasy world. Interest rates are going up, they're going up not a year or two years from now, they're going up •• within the next six months they're going to be up. Right after this election, by the end of the year, you know, as well as I do, from reading so-called experts that they'll be up, you know, at least a basis point. Right, Cameron? You're a student of that. That's a given. Steel, concrete, incredible inflation in those areas, and that's not going to end, because that's tied into the •• you know, the war in Iraq, so you're going to have that pressure as well. Construction costs are going to soar, interest rates are going to right rise. The project's not going to be cheaper. You can't just say, "Oh, it's going to be 25 million dollars less," and hope that it comes down that way.

Alternatives that are viable that have never been looked at. We have a drug court, which is a tremendously successful program in the District Court. We should be looking to expand that before we make this kind of commitment to construction. We should have a Mental Health Court and look at that population and see if there are alternatives to deal with them. We should •• instead of kowtowing to the State, we should be demanding that the state own up to its responsibility to take its prisoners. There are parole violators from State felonies. All of this was pointed out in the Pulitzer Bogard Report as areas that deserve future consideration and future study, and we should be looking and making those inquiries before we commit to the project.

The debt picture in this county is bleak. You cannot afford this jail. Do you know that in four years, three years, right, 2006 or 7, depending if you go with the Legislature' plan or the Levy plan, your amount of debt that you're going to •• the amount that you're going to need to tax the public to pay for your debt will be increased between 90 and 120 million dollars. My source on that is Fred Pollert. You might have a different number, but it's going to rise significantly.

When you were complaining earlier this year about the problems with the State with regard to Medicaid, and health insurance, and pension relief, what were those numbers? Now you're going to add on this as well? Have you gotten any relief yet from the State in those other areas? Where are you going to raise taxes? Do you realize that you've raised taxes we have



together, and we did the right things because we had to, because we're faced with, you know, impossible situations, but we've raised taxes on sales tax all the way from 7 1/2, in my memory as a Legislator, to 8 3/4 now, 8 3/4. How much higher do you think you can go? I don't see the sales tax being raised considerably. So, what are you going to raise, property tax? You're going to raise property tax to deal with Medicaid, pension, health insurance, and debt? And what about labor contracts? How much are you going to raise the property, 700%? You're going to say percents don't matter, when you're talking about percentages that are astronomical like that? Of course, they matter, and, of course, this decision today contributes to that.

Now, what we ought to be doing, besides looking at alternatives, is forcing this issue back to the State. We should be standing up to the State, not buckling to the State. The State of New York's approach, first of all, they're erratic. You see that with the juvenile facility, right? "You have to build it, you have to build it." "All right, we're going to build it." "Don't you dare build it." That's who your partner is? That's who you're going to take orders from? I mean, those people in Albany are dysfunctional.

**LEG. TONNA:**

That's the worst word you can come up for them, dysfunctional? It's a little more than that.

**LEG. BISHOP:**

The State also •• they create roadblocks that, shame on the State, and they should be exposed for it. How is it that Nassau County can take in prisoners from the federal government, right, it's good enough for the federal government, the Nassau County Jail, but the State tells us that we can't put our excess in Nassau County, temporarily at least? I mean, everybody speaks about regional solutions. There's one we can't even adopt. And the State tells us that we have to build a jail that ultimately will have over 2,000 prisoners at a time when the trends are against it. The jail population is not going to grow by that astronomical amount. If anything, it's going to reduce as our population gets older and as crime continues to decline. So, it's an unreasonable demand made by unreasonable erratic people, and the Legislature, it's unfathomable to me, wants to run out and make the commitment to them. I would force the crisis. I would force the crisis.

You know what, one of the things that surprises me is the inability of my colleagues here to do

simple arithmetic. You say what's the cost of sending them Upstate? It could be 5 million dollars, it could be 10 million dollars. Do you know what the cost is to build and create manpower for this new jail annually? Well, I say 60 million. The latest estimates from BRO, which are on the positive side, say 45 million. I think, when the construction costs go back up, it's going to be well over 60 million. That's a lot less •• I mean, a lot more than 5 million.

I think that this Legislature once again has an opportunity here today to fulfill its mission and to fight for taxpayers, and to have a vision to do what other municipalities around the country are doing, which is not to simply do the easy thing, which is to construct, but to do the difficult thing, which is to analyze your he system and make changes.

Finally, I just •• I just don't like the fact that we're giving into extortion, and that's what the State has done to us, they're extorting us into a project that we cannot afford. And we join the conspiracy by engaging in willful ignorance and not looking at your system first. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Bishop. Legislator Crecca, and Alden, and Lindsay.

**LEG. CRECCA:**

Yeah, I'll just be brief. As far as the jail is concerned, you just need to take a trip out there and you know we just can't leave it the way it is, number one.

Number two is the dormitory style of putting 40 prisoners, and sometimes more in a room, and subjecting the Correction Officers, or two Correction Officers, in a room with those people, you know, I'll tell you right now, I wouldn't get in that room, I wouldn't expect you to, and I don't expect our Correction Officers to do that.

We've known about this problem with the jail for a long time, and I know you cite, and, David, your criticisms good, it's good to have somebody there showing us the other side, but, you know, we hired the expert at your begging, and I'm glad we did, but they came back and said, "You still got to build a jail, and you still got to provide the beds." So, you know, this is something we've got to do and we have to deal with it. And, you know, as horrible as it is, you know, this is one, and I can't •• I'll agree with you about the dysfunction of some of our State representatives and leadership, and all that, but the bottom line is we have an obligation to provide a jail. It's one of the essential things the County does.

And the jail we have at Yaphank is an abomination, it is inhumane. I wouldn't put a dog in some of those areas there, never mind a human being. And it may one day, hopefully not, it could be one of our nieces, or nephews, or brothers, or sisters who has to spend time in that jail, and the fact of the matter is it's my obligation as an elected official to have an adequate place to house those who need to be housed in our correctional facility. And you can't sit there and tell me, and nobody at this horseshoe with any credibility can tell me that that Yaphank facility is acceptable the way it is. It's not, and it's not fixable. It's well beyond its shelf life. We are the ones who are guilty here by not planning 20 years ago when that •• or 10 years ago, when the life of that prison was well beyond its useful capacity and what it was originally intended for for not doing it that •• so, now we've got to do it now, and the impact isn't that bad for taxpayers. It's not great, but it's not that bad. That's all.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

I have a vision of Suffolk County, and it's unfortunate that it really comes down to this, but a lot of things that Dave Bishop, Legislator Bishop brought up before, we should have been paying attention to for the past six or seven years, and that's the six or seven years that I've been here. And the 20 years, 30 years, whatever, that we were in existence before that, we should have been paying attention to it.

But when it comes down to a choice and the choice is kind of forced on us, we can either eliminate all of County government, all of our parks, we can allow the prisoners to run around amongst our citizens, we can allow our buildings to fall down, we can let our County Center look like an impoverished piece of crap, or we could turn around and we could say, "All right, the State's forcing some costs on us," but we're not going to allow that to force us to cause our buildings to fall down and look like some kind of cheap garbage that it can turn into.

And a little statement on the jail, too. And some people laugh, I spend a little time at the jail, but as a lawyer, and over the course of the past 12, 14 years. It's an abomination. And you really run the risk every day of having somebody that works for the County of Suffolk butchered. I mean, we owe it to those people that work for us not to put them in a position

where they're going to get killed. And we also owe a very important duty to the people of Suffolk County, because one of these days they're coming out of there. The conditions that exist there foster riots, and I don't mean to be preaching to them and putting any suggestions in their heads, but this has already been thought of out there, riots and breakouts. And when they come out, they're not really nice, and that puts the people in Suffolk County in a position where do we want them butchered? And, you know what, if our jails are full, where do we put these people? And if our juvenile detention center doesn't exist, where do we put these kids? We have to put them up in Buffalo, so that their parents can go and visit them, or their siblings can go visit them in Buffalo, or every time they have a court hearing we can bring them back?

So, we can either let Suffolk County deteriorate and do a disservice to the people who live here, or we can go ahead with some vision and rebuild Suffolk County, so it doesn't end up looking like Nassau County and other places that are crumbling.

**P.O. CARACAPPA:**

Thank you, Legislator Alden. Legislator Lindsay.

**LEG. LINDSAY:**

There is no doubt about it, that this Capital Program, and specifically the jail, is probably one of the most expensive projects that we'll ever undertake. The problem is, is that if we don't undertake it, there's a cost associated with that. Legislator Bishop says fight the State.

In I guess it was 1988, someone in their great wisdom tried to solve the overcrowding problem by putting in two temporary wings, temporary buildings off the back of Yaphank. They had a shelf life of seven years. Three months ago, the Department of Corrections declared them unusable and shut them down. That decision to ship 140 prisoners out of the County is going to cost us 5 million dollars a year. That doesn't affect the other sword over our head, that if they take away all of the waivers, there's another 20 million dollar cost on top of the 5 million dollars to ship prisoners out of County. So, you don't have a choice. By not building the jail doesn't mean that you're going to save money. You're going to ship your problem to another part of the State at a huge cost.

The Nassau County solution sounds •• geez, a regional approach, sounds like a great idea. Corrections won't let us ship prisoners to Nassau County. The other thing that should be taken into consideration is the cost of housing a prisoner in Nassau County is twice what we're paying

to ship a prisoner Upstate. So, even if they allowed us to, it's going to cost us twice as much to send prisoners to Nassau County.

The other thing about the Nassau County facility is they were in kind of the same boat we were, I don't know, 10, 15, 20 years ago, and a court order brought about the expansion of that jail. And I don't think any of us want that to happen here, because then we lose total control of what we're building and how much money we're spending.

Legislator Bishop alluded to the arbitrary number that was picked for the cost of the project. Well, it really wasn't arbitrary. We had two estimates of the cost of this facility, one from our Public Works Department, and one from the consultants that we hired, and the price is the median price between the two estimates, which I think is a responsible number.

Eighteen months ago, we had this debate about the jail and we agreed to go down a path, and it was a dual track path, where we agreed to commission and hire a consultant to examine our jail facilities, and to make recommendations on what we could do in terms of alternatives to incarceration, and simultaneously, we approved the initial planning money to go forward to start planning the jail, and we also agreed that we would build it in two phases to soften the blow. Well, we hired the consultant, he did his study, says we have to build a jail.

You know, the other misnomer about this project, it's being billed as a huge expansion of our penal system. The fact of the matter is, is the facility that's out there now is 50 years old. I don't think •• I think it's beyond being able to renovate the building. The building was built piecemeal over a long period of time. It's in deplorable shape, and I really don't know if anything is worth saving in the whole facility.

**P.O. CARACAPPA:**

Thank you. Legislator Binder, then Foley.

**LEG. BINDER:**

Thank you. There are really two parts to the argument, and so far, the argument's being made by only Legislator Bishop, but I think his argument is pretty cogent. The two arguments are interrelated, they're the infrastructure of the County and the jail, and the reason they're

interrelated is because the County Executive has decided that to do one, we have to cut the other. We have to cut from infrastructure and taking care of County facilities, so we can pay for another project. And I think the way Legislator Bishop put it is interesting, but •• and I've heard it this way. If you want to build this, then we have to cut this, taking in a sense somewhat •• I don't know if he's got the responsibility. I mean, I keep hearing •• I heard Ben Zwirn saying, "We want to build it, we want to build it soon," but I also get the impression that I don't know how much they really want to build it, or whether they think there's a need. In terms of the infrastructure, I think no matter what we decide going forward, we've got to take care of the infrastructure. We have to sometimes look at other counties for direction, and that could be negative direction.

It was said that Nassau County's not closing their offices Friday. Well, they also didn't institute an exemption on sales tax for clothing and shoes and we did, and I think we did the proper thing when we did it, so we didn't take their lead and I'm glad we didn't. And a lot of their citizens came over here to Suffolk County to shop, and I'm sure we collected other tax monies as they came here to shop here in Suffolk.

I also don't want to take their lead when it comes to deciding how we're going to fund our infrastructure. Nassau County is falling apart. Nassau County made a decision a long time ago not to take care of the business at hand, and if we make that same decision in what is now a relatively low interest rate cycle, and now's the time when it's lower, that would be a bad decision to make, hence 1561. And I think a decision to go forward with taking care of this year now with our infrastructure needs, and not letting them really get to a deplorable state, because when will we have to take care of these 2004 projects? Maybe in 2005 and 6, when, as Legislator Bishop says, interest rates will most likely, according to the experts, interest rates will rise, the cost of the projects will rise, so we'll end hitting the taxpayers, for one. And I think it's such a filaceous argument that the County Executive says, "I'm protecting the taxpayers, and look at these big spending Legislators," Republican and Democrat. No. Sometimes you have to spend in the right environment to save the taxpayers the future burden, and that's what we're doing, and I think that is proper.

When it comes to now the budget, the Capital Budget, not 1561, but the Capital Budget, and the jail particularly, because that is really the crux of this document, that's the centerpiece, because that's the cost, I have to say that I disagree with most of my colleagues who have spoken, and I agree with Legislator Bishop. I am very concerned about the jail. I don't think



we really do have a proper needs assessment. I think it was •• a lot of the information that said in the report is not based on alternatives. And I think we have a major problem and I don't •• and I think we're being bullied, I think we're being blackmailed, and I agree with him, I think we should force a crisis. I mean, that's my style, people know that, so that's •• I kind of get up in front of someone and let them know how I feel about it, and I think we should do that.

So, I think, in great measure, I am in parallel thought with Legislator Bishop. The difference, where I depart, is on this particular legislation, we're talking about a budget, which is a blueprint, it's not an appropriation, as long as we keep that in mind. We can be blamed for raising the budget. It's not like when we pass the Operating Budget. When we pass the Operating Budget, you can be darn sure that's what's going to be spent during the year, or pretty close to it. This is a blueprint. This budget is not a spending budget, it's a budget that allows us, in the event we decide. And I have to say that I hope that Legislator Bishop would continue to work to bring out what I think are the facts, and the •• in a right-headed way of thinking on the jail, and I want to help him in that, because when we do consider the question of whether to fund this, I think I'm going to be pretty closely tied to where he is. But I think it is irresponsible, though, even if I want to force a crisis, not to have it in a budget in some fashion, in some manner, to give us the opportunity. Because, in the event we have to, even after forcing a crisis, I cannot think of all the scenarios, but there might, and I think there could be a way that we won't have a choice. And when it comes down to it, we can protest, we could be angry, we can't do it, Nassau County, there's the feds and others, and we should be able to, we can protest all we want, but there might be a level at which, as a fiduciary question for us, we may have to do it. If our back is to the wall, then we have to do it, even after forcing a crisis, and I would like to do that in the appropriation crisis.

We have to have something in a budget, because it is impossible. And I think anyone that's been here a long time knows you can't go back in 2005 or 2000 •• you can't start going back to this and trying to create money that's not here. And there is certainly no offset that will ever come from anywhere to cover what we have to cover for this jail in the event.

So, I think, to be responsible in a fiduciary sense, we have to afford ourselves an escape valve, and that's what this is. It may even be a painful escape valve to have it even in here. It may be a politically painful escape valve, because we can be accused of having the money in here

and increasing the budget, and the possibility of increasing our debt service, as Legislator Bishop said, to extraordinary amounts in years where I think it's unadvisable. I think it's sometimes advisable in low interest rate environments, but in the higher interest rate environments, when this might actually be appropriated, it would be •• it would be the wrong thing to do, but we •• but the bottom line, if we don't have it in the budget, we can't do it, and I don't know the ramifications of that.

So, I'm going to support •• I am supporting this omnibus. I'm supporting taking care of the infrastructure at the same time. And I could say, during the appropriations process, that I want to work with Legislator Bishop in looking for these alternatives, in proposing them, and trying to make the argument to all of our colleagues that we have to do something different, we have to find another way.

**P.O. CARACAPPA:**

Thank you. Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. And I'd like to thank Legislator Binder for his remarks, because, certainly, it is a very responsible approach to this.

There are two basic remarks that I would make. There's this canard out there saying that somehow, if we approve this resolution for the omnibus, that this is going to somehow cause some great shock to the taxpayers. Well, I'd ask my colleagues to turn to the last page of the Omnibus bill, it's 1. •• Page 1.69, and if you look at that, the total bonds to be issued between 2005 and '07, the annual average •• the average annual taxpayer impact on General Fund for bonds is not \$30, is not \$13 per annum, it's \$3.81. Now, I'll take it a step further. That's if we place the whole cost of the bond issuance on the property tax. But since the great bulk of our revenues come not from property tax, but from the sales tax, we can take at least 60% less of the 381, and I dare to say to be under \$2 a household, under \$2 a household for those three years, '05 through '07. And what do we get in return for that? What do we get in return for that? We get dignity. We get dignity for our County workers at the Evans K. Griffing Building, we get dignity for those who utilize the services in that building, whether it's the •• whether it's the •• those who use our health centers or some of the other services provided there. We have Community College projects that are moving forward. So, let's just dispense with this canard of somehow that we're going to put an onerous strain on the taxpayers. We are not. We are not.



Facts prove that we're not. Budget Review numbers, which have been unassailable in this particular area, states very plainly that at most, I'll say it's \$2, \$2 a house.

**LEG. CARACCILO:**

Two•o•five, Brian.

**LEG. FOLEY:**

Two•o•five. Thank you, Legislator Caracciolo. So, let no one be under the misunderstanding that somehow this is an onerous amount that's being •• it is not. It gets the twin benefit also of making a public investment. And for those of us who follow public policy, we know that through our Capital Program, we can put a lot of people back to work, and we can put money back into our local economy, so it's a double bang for the dollar.

And I'd also say, as far as forcing the crisis, I couldn't agree more, Legislator Bishop, that, you know, the State has been dysfunctional. I, in fact, suggested the press conference, that I'm rather resentful of the fact that the State is superimposing upon us this jail when we have other local needs that we've developed over a period of years that need to be addressed through a Capital Program. That's why many of us feel that, yes, the first phase has to be built. The Yaphank facility is an abomination. Those who work there, the Correction Officers have the toughest job in County government. Now, they even have a tougher job because of the conditions they work in. That has to be rebuilt.

When you look at the omnibus resolution, Phase 2 wouldn't be until subsequent years, '08 or '09 at the earliest. And to take up what Legislator Binder said a few moments ago, that gives us, even those of us who are going to be term•limited over the next year•and•a•half, it gives those like Legislator Bishop, and Binder, and others, who have spent quite a bit of time about • with this issue, to, over the next year or so, come up with some other, let's say, responsible ways to address some of the larger issues. And I think over the next year we're going to see some very good suggestions. And I would hope, just as Legislator Bishop has challenged us, I would challenge Legislator Bishop, who over the past year has done a lot of good research on this, let's that research, David, proposals. Let's turn it into proposals, but Phase I has to be done. It has to be done, because that building in Yaphank is an abomination.

So, for those two reasons, number one, it is not an onerous amount of burden on the

taxpayers, it's very little, it's putting money back into the local economy, putting people back to work, it's going to bring dignity to County works, as well as those who utilize those services, and secondly, there's also the chance where people like Legislator Bishop and others, will have the opportunity over the next year•and•a•half to come up with some other ideas as to how we can take care of some larger issues with those who utilize the jail •• not utilize, who are incarcerated in our jail. Thank you.

**P.O. CARACAPPA:**

Legislator Tonna, then Mystal.

**LEG. TONNA:**

Just a quick question of Budget Review. Legislator Foley gave ••

**LEG. BISHOP:**

I asked you not to do that.

**LEG. TONNA:**

•• gave us some numbers. I don't care what you asked, Dave. We'd vote for you for world dictator if we really cared, and there is no vote for that.

**LEG. BISHOP:**

Caracciolo.

**LEG. TONNA:**

The •• well, it would be a run•off between you and Caracciolo, but, you know, I'm done. Anyway, Legislator Foley has quoted some numbers. The three•year projection, basically, approximately \$3 a household?

**MR. SPERO:**

Three dollars and eighty•one cents.

**LEG. TONNA:**

For 2005. 2006?

**MR. SPERO:**

That's for the '05 to '07 component of the program.

**LEG. TONNA:**

Or combined, or ••

**MR. SPERO:**

Combined.

**LEG. TONNA:**

•• per year, three dollars •• 2.50 per year.

**MR. SPERO:**

Three•eighty•one.

**LEG. TONNA:**

Per year.

**MR. SPERO:**

Right.

**LEG. TONNA:**

Okay. Then, after that, that's when this place gets •• starts to get building, and there is •• what does it shoot up to? Hard to predict?

**MR. SPERO:**

Hard to predict, because ••

**LEG. TONNA:**

Okay. So ••

**LEG. FOLEY:**

It's not based upon these projects, though, it's based on other projects.

**LEG. TONNA:**

So, what's the •• what's the rhetoric about, I mean, you know •• three•eighty•five, what is the rhetoric about making this onerous for the taxpayers? I just can't understand that when my property tax bill on my property tax, the County side of the property tax is smaller than the local fire department, is smaller than the local public library ••

**P.O. CARACAPPA:**

That's right.

**LEG. TONNA:**

•• which is smaller than, you know, a lot of other things, let's not even mention the school district. And so my sense is, is that talking, and, you know, again, it kills me to agree with Legislator Binder, but the fact is Legislator Binder makes a very good point, which is that this is a plan, and that it gives us options, it gives us options, spending options. And, you know, something about infrastructure, it's not static. What happens is things fall apart. And if you have options where buildings, or whatever else, and anybody who owns a home would know that, that, you know, this week the gutter looks pretty good, but next week the gutter just fell off the building and there is problems. So, whenever you're thinking about a capital program and you're thinking about infrastructure, and you're thinking about buildings that are decrepit, you would know right away that, you know, this is a good thing.

The last observation. We went through, although small in proportion, we went through a very long debate over a number of years about what to do with this Legislative auditorium, and it got to the point where, and I remember, where one room, there was •• I think there was bee infestation, and insect infestation in some of the offices. It got so bad that we didn't give any respect •• for years, we said, "Oh, we can't spend any money on our Legislative building, we can't spend any money here at all. Well, you know what, this is a nice Legislative building. It gives dignity and respect to the work that the Legislature does. And, clearly, when you're talking about public safety in the jail, we need to do something. But we shouldn't at all forget about all of the other responsibilities that we have, especially for \$3.85. Legislator Bishop, I will make a donation for your assessment, and I will hand you \$3.85 for the next three years. Thank you.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

Thank you, Mr. Presiding Officer. I don't think any amount of speech is going to change any heads, so could we please ••

**P.O. CARACAPPA:**

I love you.

**LEG. MYSTAL:**

•• stop the bull? Call the roll. Let's vote on it.

**LEG. CRECCA:**

I'm with you.

**LEG. BISHOP:**

I would like to add to the bull, though.

**P.O. CARACAPPA:**

That's why I love you, Elie.

**LEG. CRECCA:**

You had your 15 minutes of fame.

**P.O. CARACAPPA:**

Legislator Bishop, you wanted to respond? Quickly, please.

**LEG. BISHOP:**

Just very quickly.

**P.O. CARACAPPA:**

Thank you.

**LEG. BISHOP:**

I challenge everybody here. I want you at the go on the microphone and say, "I believe that

\$3.85 will be the cost." You know you won't do that. It's preposterous.

**LEG. CRECCA:**

I will.

**LEG. BISHOP:**

You know this cost is not going to be 3.85. Look at your chart on Page 7.

**LEG. FOLEY:**

You doubt it?

**LEG. BISHOP:**

Yeah, I seriously doubt that you can have hundreds of millions of dollars of debt compiled in a hurry and have a cost to the taxpayers of \$3.85 for it.

**LEG. TONNA:**

But, Dave, that's the only commitment I've made to you. You're only getting \$3.85. If it's over, you're going to have to make it up.

**LEG. BISHOP:**

You're not going to make ••

**LEG. TONNA:**

No, no, no. That's the threshold of what I can bear ••

**P.O. CARACAPPA:**

You've thrown down ••

**LEG. TONNA:**

•• to pay for you.

**P.O. CARACAPPA:**

You've thrown down that challenge.

**LEG. BISHOP:**

You know •• we all know ••

**LEG. CRECCA:**

You're done, right?

**LEG. BISHOP:**

Yeah. Because, if you look at your chart on Page 6, the amount of bond issue in 2006 will be at 180 million dollars, and last year it was down around 45 million dollars. Now, that's going to cost more than \$3.80. And I'll just leave it at that, and you could •• you could all rely on \$3.80, and when it's more, you could bear the slings and arrows of your opponents.

**LEG. TONNA:**

Jim, \$3.85, right.

**LEG. CRECCA:**

Eighty•one.

**LEG. TONNA:**

Eighty•one cents.

**MR. SPERO:**

That's the delta between the omnibus resolution and the County Exec's proposal.

**LEG. BISHOP:**

Oh, that's the difference.

**MR. SPERO:**

That's the increase, yeah.

**LEG. TONNA:**

Oh, no, no, no, no. Jim, the question I asked •• okay. And that's my •• by the way, that's my commitment to Dave Bishop, that's it, the delta.

**MR. SPERO:**

The entire Capital Program is not going to increase \$3.85.

**LEG. TONNA:**

I forgot to put the delta part. But what is •• that is not the number that I was aware of. I asked a question about how much •• how much is the Capital Budget, how much is the program going to cost?

**MR. SPERO:**

As we pointed out earlier, the current debt service is be 90 million dollars.

**LEG. TONNA:**

Right.

**MR. SPERO:**

That's about \$45 ••

**LEG. TONNA:**

Per family.

**MR. SPERO:**

Per household.

**LEG. TONNA:**

Okay. And how much in addition ••

**MR. SPERO:**

That's all on property tax.

**LEG. TONNA:**

How much in addition ••

**LEG. CRECCA:**

That's all property tax.

**LEG. TONNA:**



Right. How much in addition is this additional ••

**MR. SPERO:**

Well, if our chart, as Dave has pointed out, is at all accurate ••

**LEG. TONNA:**

Which I'm sure it is. I hope you say it, I know it is.

**MR. SPERO:**

To the extent you can predict the future on these things. In '06, we expect total debt service to rise, this includes the jail and starting a land program, to rise to about 105 million dollars. So, that's from ninety •• from the current level of like 91 to 92 to 105 million.

**LEG. TONNA:**

Okay.

**MR. SPERO:**

And then in '07, it rises a little further to •• let me see, make sure I've got my lines right. In '08, we expect it to rise, if ••

**LEG. FOLEY:**

'08?

**MR. SPERO:**

Yeah, I'm jumping two years, because it's easier to read.

**LEG. CRECCA:**

Yeah, because a year ahead with the debt service.

**MR. SPERO:**

With the jail, to about 112 million.

**LEG. TONNA:**

Okay.

**MR. SPERO:**

This is our projection of where we think we're going debt-wise.

**LEG. TONNA:**

So, we're talking about what, \$20 per family?

**MR. SPERO:**

Yeah. Each 10 million dollars is \$2.05 to the average, each 10 million dollar ••

**LEG. TONNA:**

Increment.

**MR. SPERO:**

Right.

**LEG. CRECCA:**

That's if it's 100% property tax.

**LEG. TONNA:**

Right. And if it's •• if it's all appropriated and spent, and whatever else. Okay. Thank you. All right. It's a little more than \$3.81 ••

**P.O. CARACAPPA:**

Legislator Carpenter. Legislator Carpenter and then ••

**LEG. TONNA:**

•• but it's a lot less than ••

**LEG. CRECCA:**

Quick.

**P.O. CARACAPPA:**

Finally.

**LEG. TONNA:**

•• doom and gloom.

**D.P.O. CARPENTER:**

Well, it is going to be quick.

**LEG. CRECCA:**

Oh.

**D.P.O. CARPENTER:**

I basically wanted to repeat something that I said at the press conference yesterday that I think we need to keep in mind, that, as has been said before, this is just a plan, but being responsible Legislators who have been working on this for a very long time, this is a common sense responsible plan for long-term cost avoidance, just like in your house, as was illustrated time and time again, and an investment for the future in our infrastructure, not just our County buildings, but also the Community College, and, more importantly, in our employees and their future. And I just want to thank the Budget Review Office for their work on this.

**P.O. CARACAPPA:**

Absolutely. And, finally, before we move ahead, a lot of talk has been •• and the word "responsible" has been used, and it's very appropriate. You know, these are difficult times for us, and, of course, these are difficult decisions, we all know this. They're unpleasant to deal with, but we need to deal with them. And, politically, these are tough votes and that's what we're here for.

What's more difficult for me, though, is not reacting. That's how I personally feel. And what's even more difficult for me is that if I go home from this place after doing my job, knowing that I acted irresponsibly and I didn't do my job, that's probably the toughest thing for myself. And ironically, ironically, the easiest part about my job, I don't know about all of you and your •• with your constituents, but the easiest part for me is explaining to my constituents that I was responsible on their behalf and that we did the right thing. That's the easiest part, because they respond, they're smart enough to know, and they appreciate the effort that we put on in their behalf.

If school budgets this year, as has been talked about used and used as a big scare tactic, if they were going up three •• I won't even say to 2.05 or •• let's just say they went up five bucks on the high end of what we're talking about here, instead of \$700 a year, like it went up with my district this year, and approved, I might add, \$700 increase, if they were going up five bucks, we all know what the answer would be if people went out to vote for a school budget that went up five bucks.

There's a motion and a second. Legislator Crecca, I recognize you for an amendment.

**LEG. CRECCA:**

Yeah. I move to amend Capital Project 5168, which is reconstruction of portions of County Road 11, Pulaski Road, in Huntington from •• it's currently 5.6 million in subsequent years. I'd amend to move 2.8 million into 2007 and leave the remaining 2.8 in subsequent years.

**LEG. COOPER:**

I second that motion.

**P.O. CARACAPPA:**

There's a motion to •• for that amendment, seconded by Legislator Cooper.

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

On the motion to amend, Legislator Bishop.

**LEG. BISHOP:**

Yeah. Could somebody explain to me what is that based on? Is there a report from Public Works or some •• what's the ••

**LEG. MYSTAL:**

So, Jon Cooper can vote for it. Let's go.

**LEG. BISHOP:**

Is that it? Oh. Because some people are very, you know ••

**LEG. CRECCA:**

No. Actually, this was ••

**LEG. BISHOP:**

•• sanctimonious other times.

**LEG. CRECCA:**

The reconstruction of Pulaski Road ••

**P.O. CARACAPPA:**

It is ••

**LEG. CRECCA:**

•• we moved up. We moved up the other portion of it. Budget Review actually recommends that this project move forward and it's ••

**LEG. TONNA:**

In the '70's I lost my wheels and it's still the same road.

**P.O. CARACAPPA:**

There's a motion to amend Omnibus 1 as presented, and a second. This is •• all in favor? Opposed? It's amended.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Omnibus 1 is now before us. There is a motion and a second already out there. All in favor? Opposed? Do I have to do a roll call on the Capital Budget?

**LEG. CRECCA:**

No.

**P.O. CARACAPPA:**

No. All in favor? Opposed? One opposition, Legislator Bishop. Abstentions?

**MR. BARTON:**

17•1.

**P.O. CARACAPPA:**

Omnibus 1 is approved as amended. Moving on.

**LEG. CRECCA:**

Motion to take out of order and approve I.R. 1561.

**P.O. CARACAPPA:**

Well, we're not done with the amendments here.

**LEG. CRECCA:**

Oh, I thought we were. I'm sorry, I apologize. Withdrawn.

**P.O. CARACAPPA:**

**Amendment Number 2 • Construction of County Health Clinic and parking facility at Southside Hospital.**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Now, we broke it out separately based on the ••

**LEG. FOLEY:**

Motion, Mr. Chairman.

**P.O. CARACAPPA:**

•• on the specifics.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Motion by Legislator Foley, second by Legislator Carpenter. All in favor?

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Bishop.

**LEG. BISHOP:**

Just explanation, what this will do.

**LEG. CRECCA:**

It adds 41 million in subsequent years for the planning and construction of a County Health Clinic at Southside Hospital. The funding will be loaned from the Suffolk County Health Facilities Commission to the hospital.

**LEG. BISHOP:**

Forty•one million?

**LEG. CRECCA:**

Forty•one ••

**P.O. CARACAPPA:**

Exactly. It's not a cost to the County.

**LEG. CRECCA:**

Legislator Bishop, that's 41.4 million dollars.

**LEG. MYSTAL:**

We're going to get reimbursed.

**P.O. CARACAPPA:**

The plan is that Southside will •• they're asking us to, in our borrowing power, to move forward with the bonds possibly.

**LEG. BISHOP:**

I'm sorry, I'm getting two ••

**P.O. CARACAPPA:**

They're asking the County, based on our borrowing power, to do the borrowing for them, quite possibly, with an administrative fee for the County. They will build an emergency room, parking and our health center. We will then lease back the health center based on the State aid that we received from the State for a health center lease.

**LEG. TONNA:**

This is one of the most innovative •• this is a great, great idea.

**LEG. BISHOP:**

I'm sure it's brilliant.

**LEG. TONNA:**

It's a great idea.

**LEG. BISHOP:**

But how much in the end does it ••

**LEG. MYSTAL:**

We're going to make money.

**P.O. CARACAPPA:**

We make money.

**LEG. BISHOP:**

We make money?



**P.O. CARACAPPA:**

Yes.

**D.P.O. CARPENTER:**

We definitely make money.

**LEG. TONNA:**

Not only that, we might be able to send some prisoners there.

**LEG. BISHOP:**

And we get reimbursed 100%?

**P.O. CARACAPPA:**

We get reimbursed on our lease once we take occupancy of the health center that they're •• that they're building.

**LEG. BISHOP:**

I just ••

**P.O. CARACAPPA:**

Sounds too good to be true?

**LEG. BISHOP:**

I'm sorry. The 41 million dollars that we lay out ••

**LEG. FOLEY:**

Mr. Chairman.

**LEG. BISHOP:**

•• we get that back?

**D.P.O. CARPENTER:**

Yeah.

**P.O. CARACAPPA:**

And in debt •• we get the debt back, too, the debt service is paid, and an administrative fee.

**LEG. BISHOP:**

Okay.

**P.O. CARACAPPA:**

Very good?

**LEG. VILORIA•FISHER:**

I don't think we get it all back, Mr. Chair.

**LEG. BISHOP:**

If we get paid, absolutely. You get paid three different ways, it sounds like.

**LEG. SCHNEIDERMAN:**

We get it back, plus interest.

**LEG. VILORIA•FISHER:**

I don't think we get it all back, do we, Jim?

**P.O. CARACAPPA:**

Legislator Alden, then Caracciolo.

**LEG. ALDEN:**

Just to point out that Legislator Vilorina•Fisher had some very valid concerns about this. We're not spending this money right now and this ••

**LEG. CRECCA:**

Subsequent years.

**LEG. ALDEN:**

Right. This plan is •• you know, hopefully, will go forward, because, as was pointed out, is very innovative and it solves a lot of problems. And, right now, we don't have a Bay Shore Health Clinic. It was closed due to no •• really, no fault of our own. There was some kind of

contamination in the air in there. It's been closed for a number of years. The people in the Bay Shore area now do not go to a health clinic, they actually go to South Side's emergency room, which costs the County substantially more than it would to run a health clinic.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Yeah. We need to place this in subsequent years, because we're expecting to receive determination from the Health Facilities Commission this summer on whether or not they're going to move •• whether or not they're going to give the approval to move forward with this project.

If we don't put this in our Capital Program, if we don't put it in subsequent years, then it basically will prevent the Health Facilities Commission from doing their due diligence. Once they do their due diligence, they would then submit it to us for our approval or disapproval.

As Legislator Tonna mentioned earlier, this is an exciting new approach to the delivery of health center services that has not been tried anywhere else in this country. And when you particularly have the situation of the overuse of emergency rooms, and this health center will be placed literally next to the expanded emergency room and emergency department of Southside, you could have, and those who are inappropriately going to the emergency room, to literally either take a short walk or be transferred over to the health center.

So, it's a very exciting approach. This just keeps the option open, it doesn't commit us at this time to float any bonds. But we need to keep this •• we need to pass this in order to keep the option over to give the Health Facilities Commission the time to do their due diligence before we make a final determination either this summer or next fall.

**P.O. CARACAPPA:**

Legislator Caracciolo, then Viloria•Fisher.

**LEG. CARACCIOLO:**

Okay. I believe I heard someone say that this is funding in subsequent years, it's not in this

year's budget, number one.

**P.O. CARACAPPA:**

Right.

**LEG. CARACCIOLO:**

Number two, there's an application pending before the Health Facilities ••

**LEG. FOLEY:**

Yes, sir.

**LEG. CARACCIOLO:**

What is it called? Commission.

**LEG. FOLEY:**

Health Facilities Commission.

**LEG. CARACCIOLO:**

Right. Number three, Central Suffolk Hospital in Riverhead, which may soon merge with another East End hospital, has an application that they also just submitted to the Health Facilities Commission, so I think this would serve as a good model ••

**LEG. FOLEY:**

Exactly.

**LEG. CARACCIOLO:**

•• county•wide.

**P.O. CARACAPPA:**

Very good. In fact, I had concerns about, of course, the County floating 41 million dollars in bonds, and I met with Southside Hospital and they're working on a guarantee, so that we're not ever saddled with it, in case they default, which will never happen. And the administrator of the hospital in your area, Central Suffolk, has just reached out to my office, wanting to meet with me as well, based on what you just said, so it sounds good. There's a motion and a second. All in favor? Opposed? Abstentions? Budget Amendment Number 2 is approved.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**Budget Amendment Number 3.** What this does is break out all the sewer projects, because they're mostly paid for by the respective sewer district fees, as well as the Sewer Stabilization Fund. There's a motion by myself, second by ••

**LEG. VILORIA•FISHER:**

Second.

**P.O. CARACAPPA:**

Oh, Legislator Viloría•Fisher, I forgot to let you speak on the last resolution.

**LEG. VILORIA•FISHER:**

Actually, you addressed the issue, which was brought up in committee, which was •• I was concerned about the indebtedness, and it came to my attention that Southside Hospital is now part of the North Shore Network, and so that really solidifies their financial status. And so you eluded to that, so you addressed it.

**P.O. CARACAPPA:**

I apologize. The motion and a second on Budget Amendment 3. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Budget Amendment 4, it conflicts with 1, so that's out. **Budget Amendment 5 (Creation of a Data Center/Media Storage Facility).** No conflict. Is there a motion?

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Crecca. All in favor?

**LEG. FOLEY:**

Explanation, please.

**P.O. CARACAPPA:**

Explanation. Adds \$350,000 in 2005 for the construction of a data center for the County Clerk's Office.

**LEG. LINDSAY:**

Put me on the list, Mr. Chairman.

**P.O. CARACAPPA:**

Yeah.

**LEG. BISHOP:**

You want to speak on that?

**P.O. CARACAPPA:**

Legislator Lindsay, you go.

**LEG. LINDSAY:**

Yeah. My name is on this resolution, as is the whole committee that came through this. After that committee meeting, in subsequent budget talks with BRO, what I learned is that this would be a duplication of our renovations of the County Center. The County Center renovations will include the revamping of the data center there that I.T. runs that the County Clerk uses as well. So, I would be opposed to this, and I'd like my name stricken from it.

**P.O. CARACAPPA:**

It's duly noted. There's a motion and a second. All in favor? Opposed?

**(Opposed Said in Unison by Legislators)**

Opposed, Legislator Vilorio•Fisher, Legislator Foley, Legislator Lindsay, Montano, Bishop.

**MR. BARTON:**

13.

**P.O. CARACAPPA:**

Okay. That's it, it's approved. **Budget Amendment 6.** Is there a motion?

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Schneiderman.

**LEG. CARACCILO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo.

**LEG. FOLEY:**

Explanation.

**LEG. SCHNEIDERMAN:**

Sure. This is not a new project. Most of you are familiar with this, because it was in the past Capital Budget. It got taken out. Basically, the Eastern Campus, you've got over 3,000 students. Suffolk County Community College is not even a place to play basketball. You know, fitness is part of education, it's a part of staying healthy. What this does is it builds a fitness

center, a rec center. Though it's put out in subsequent years, it gives time for changes to it. I think it can be done for less money than this, but this what the College had said was the cost of it, based on the designs that were done in the past. So, I would like to see it back in the budget.

**P.O. CARACAPPA:**

Keep in mind, this is just putting in the budget far off •• a far off plan and idea, and will be dealt with, I'm sure, many times from this point forward.

**D.P.O. CARPENTER:**

Is this •• I have a question. Is this part of the plan that has been submitted to the State on the part of the College, this project?

**LEG. SCHNEIDERMAN:**

I don't know.

**LEG. MYSTAL:**

Mr. Chair.

**D.P.O. CARPENTER:**

Jim ••

**LEG. SCHNEIDERMAN:**

Somebody else may have that information.

**D.P.O. CARPENTER:**

•• do you have that information?

**MR. SPERO:**

Well, it will be, if it's included in the program.

**D.P.O. CARPENTER:**

Okay.

**LEG. SCHNEIDERMAN:**



George Gatta had given me the numbers, so I would have •• I imagine, yes.

**LEG. FOLEY:**

Don't give up your source so easily.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. FOLEY:**

That's one thing you'll learn.

**LEG. MYSTAL:**

This is a question for Legislator Schneiderman. If I remember correctly, didn't they come here asking us for a library? Are we giving them a recreation center?

**LEG. SCHNEIDERMAN:**

Frankly, both ••

**LEG. MYSTAL:**

They were given the library.

**LEG. SCHNEIDERMAN:**

Both are needed. In the omnibus ••

**LEG. MYSTAL:**

Did we give them the library?

**LEG. FOLEY:**

Yes.

**LEG. SCHNEIDERMAN:**

In Number 1, you did.

**LEG. MYSTAL:**

So, they're getting both. Okay, I'll shut up.

**P.O. CARACAPPA:**

No, they're getting one, and this is for discussion.

**LEG. SCHNEIDERMAN:**

I'd like to see •• I'd like to see them get both, if you're going to put a commitment into our own College system. I think it's an important campus. It's a fast growing campus on the East End and they need these facilities.

**LEG. MYSTAL:**

I've just been informed that we gave them the library already.

**P.O. CARACAPPA:**

There's a •• yeah.

**LEG. SCHNEIDERMAN:**

You just did in the ••

**LEG. MYSTAL:**

All right.

**LEG. SCHNEIDERMAN:**

In Omnibus, in the first one.

**LEG. MYSTAL:**

Okay.

**P.O. CARACAPPA:**

There's a motion. We didn't give it yet, we have to appropriate those monies. There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

That does it for the Capital Budget. Thank you, Budget Review, for a great job. Staff, excellent, the best. Thank you.

**LEG. FOLEY:**

I'd like to thank the Budget Review Office as well on behalf of the Democratic Caucus. You did a wonderful job. Thank you.

**P.O. CARACAPPA:**

I'd like to make a motion to take out of order **Resolution Number 1561.**

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion •• Second by Legislator Foley. It is now before us. All in favor? Opposed? Abstentions? 1561 is now before us.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

I'll make a motion to approve.

**LEG. FOLEY:**

Second.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley and Crecca.

**LEG. VILORIA • FISHER:**

On the motion.

**P.O. CARACAPPA:**

Just let me finish the motion. There's a motion to approve 16 •• **1561 and 1561A, B, C, D, E, F, G, H, I, J, K and L**; that's the motion.

**LEG. MYSTAL:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Viloría•Fisher, and then Mystal.

**LEG. VILORIA•FISHER:**

I just have a •• I can't get this microphone.

**LEG. MYSTAL:**

It's stuck on the bottom.

**LEG. VILORIA•FISHER:**

I just have a question about the various questions that were brought to our attention regarding some of the projects included here by the County Executive's Office, the letter from the State regarding the Juvenile Detention, the •• there were a number of other questions. If we can't support all •• the Tier II Shelter question, now, can we pass this and amend it when •• at a future time, can we amend it now on the floor to remove those projects?

**P.O. CARACAPPA:**

No, because this isn't a •• this isn't a Capital Budget omnibus, this is a resolution, an appropriating resolution. It's gone through committee to amend it. You'd have to table it, make the changes, have it go back through the cycle.

**LEG. VILORIA•FISHER:**

Okay. So, how can we remove those projects ••

**P.O. CARACAPPA:**

It would have to be tabled.

**LEG. VILORIA • FISHER:**

•• that the State has told us would not ••

**P.O. CARACAPPA:**

To take them out of this resolution, 1561, you'd have to table the bill and there'd have to be an amended copy by the sponsors.

**LEG. FOLEY:**

Another approach.

**LEG. VILORIA • FISHER:**

Now, what if we ••

**LEG. MYSTAL:**

I have a solution.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. VILORIA • FISHER:**

What if we passed it and the County Executive were to line veto it, could you do that?

**P.O. CARACAPPA:**

You can't line veto it, because it's an appropriations bill. He can line veto a Capital Budget amendment omnibus, because ••

**LEG. ALDEN:**

Point of order.

**LEG. MYSTAL:**

Mr. Chair ••

**LEG. VILORIA • FISHER:**

Thank you.

**LEG. MYSTAL:**

•• I have a solution for it. Pass it, let him veto it, and if we produce a CN with the new one; how's that?

**P.O. CARACAPPA:**

That's always an option. Legislator Foley?

**LEG. FOLEY:**

A great option, and Legislator Mystal mentioned another option, would be, and I had discussed this yesterday with someone from the County Executive's Office, particularly regarding the helicopter hangar issue, which is we can approve this resolution. If, over the next several months, it's determined that, for instance, there's no space for •• within the current hangars to place the helicopter there, and if, in fact, there's an issue with the Tier II Shelter monies, then we can have a resolution that rescinds a portion of what we have authorized, and then it's taken out and it's before there's any bond issuance.

**LEG. SCHNEIDERMAN:**

That sounds like a wise approach.

**LEG. CRECCA:**

That's the best way to do it.

**P.O. CARACAPPA:**

Yeah, that's the best way to do it.

**LEG. FOLEY:**

It took me ten years to figure that out.

**P.O. CARACAPPA:**

Legislator Alden, is that what you were going to say? Legislator Lindsay.

**LEG. ALDEN:**

That's well said.

**LEG. CRECCA:**

Well said, Legislator Foley, that's the way to do it.

**LEG. LINDSAY:**

The other thing that I was going to say is that if we do pass 1561 and, for example, you know, we don't have a site location to purchase the property for the Tier II Shelter, and we don't have the SEQRA determination, we obviously can't spend the money. And that's what I asked before of the County Executive's Office, what happens to the money, it rolls over. It's not •• it's not going away and we're not bonding the money until we can use it.

**P.O. CARACAPPA:**

Right. Can't use it as an offset either, because it's been appropriated. Keep in mind, Legislators, that we are approving all these separate bonds with this one vote, which has been approved by Bond Counsel, and we're ready to go. So, 1561 and all of the subsequent bonds that I've read off, there's a motion and a second. Roll call.

**MR. BARTON:**

Okay.

**(\*Roll Called by Mr. Barton • Clerk\*)**

**P.O. CARACAPPA:**

Yep.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yeah, yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**



Yes.

**LEG. CARACCILOLO:**

Yes.

**LEG. CARPENTER:**

Yes.

**MR. BARTON:**

Roll call on the bonds •• Bishop.

**LEG. BISHOP:**

No.

**MR. BARTON:**

17•1 (Opposed: Legislator Bishop).

**P.O. CARACAPPA:**

Same motion, same second, same vote on Companion Resolution A through L.

Going back to the agenda, we are on Page 10.

**LEG. COOPER:**

Actually, Mr. Chairman, if we can return to I.R. 1184, which we had passed over, I believe that Budget Review may have the answer to Legislator Caracciolo's question.

**P.O. CARACAPPA:**

If we are ready, that's on tabled resolutions, Page 8, if my memory served me correctly, halfway down. **1184 (Amending the 2004 Operating Budget and transferring funds for Family Service League), Jim?**

**MR. SPERO:**

The overhead rate for the Family Service League is 11.9%, and, generally, the overhead rates

for many agencies run between 10 and 15%.

**P.O. CARACAPPA:**

So, it's on par. Legislator Caracciolo, I'm just letting you •• the answer to your previous question was just given, that the Family Service League's overhead percentage was 11%.

**LEG. CARACCCIOLO:**

Yes.

**P.O. CARACAPPA:**

And the usual is 10.

**LEG. CARACCCIOLO:**

Ten to 15, right. Okay.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yeah, just a quick comment. And I'd like to commend the sponsor of this resolution, because the offsets all come from Huntington organizations. So, Legislator Cooper, you really put your money where your mouth is and ••

**LEG. COOPER:**

Thank you.

**LEG. LINDSAY:**

•• I appreciate that.

**P.O. CARACAPPA:**

There's a motion by Legislator Cooper, second by Legislator Binder. All in favor? Opposed? Abstention?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

We skipped on Page 9, bottom of the page, 1551.

**LEG. CRECCA:**

Joe, can you just •• Presiding ••

**P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

Presiding Officer, can you just •• because I'm working off the computer instead of the paper, so if you can just say the committee, because we don't have page numbers on it.

**P.O. CARACAPPA:**

Budget and Finance, I'm sorry.

**LEG. CRECCA:**

Thank you.

**P.O. CARACAPPA:**

**1551 (Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension in partnership with Suffolk County Department of Public Works for "Suffolk County Stormwater Phase II Program implementation").** No, we skipped over it.

**LEG. CRECCA:**

We did skip over this.

**P.O. CARACAPPA:**

Yep. I'm going to make a motion to table.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor? Opposed?

**LEG. CRECCA:**

Actually, can I make ••

**LEG. VILORIA•FISHER:**

On the motion.

**LEG. CRECCA:**

Before you take the vote, on the motion.

**P.O. CARACAPPA:**

Go right ahead, Legislator Crecca.

**LEG. CRECCA:**

Rather than you table it here, I'd rather it be recommitted to committee, because we have other 477 projects. Given the concern that was raised here, I'd •• and we're going to be looking at the overall, I'd make a motion to recommit it to committee, so that we can deal with them altogether.

**P.O. CARACAPPA:**

Motion to recommit takes precedence. There's a motion and second.

All in favor. On the motion?

**LEG. VILORIA•FISHER:**

On the motion.

**P.O. CARACAPPA:**

Legislator Vilorina•Fisher.

**LEG. VILORIA•FISHER:**

We had asked Budget Review a question with regard the balance in the 477 Program.

**MR. SPERO:**

Yeah. It was good that you asked that question. The balance is about 15 million dollars in cash, but ••

**LEG. VILORIA • FISHER:**

Okay. And that's four ••

**MR. SPERO:**

The important thing to point out is that, as you know, there's like four components. There's a Land Acquisition component, there's sewer stabilization, property tax stabilization, farmland acquisition, open space acquisition, water quality, preservation, the various components to the entire program. The 15 million dollars is allocated in some form or fashion among the farmland, open space, and water quality components, and they can't break out how much is related to each component.

**LEG. VILORIA • FISHER:**

Well, don't •• there's a ratio, though.

**MR. SPERO:**

There's a ratio, but ••

**LEG. VILORIA • FISHER:**

The ratio for water quality is what percentage?

**MR. SPERO:**

The funding, the funding in the Treasurer's Office is not being allocated to the various components, they just have a balance of 15 million dollars.

**LEG. BISHOP:**

On this point ••

**LEG. VILORIA • FISHER:**

How do we know when we •• when you've hit your allocated number?

**MR. SPERO:**

You don't. That's the point I'm trying to make. So, I think it might be wise to table these resolutions and get the County's bookkeeping and audit it, so they can tell us how much is in each component of the program before we start drawing down money for water quality or other •• or other purposes.

**LEG. VILORIA • FISHER:**

Okay. Then I agree with the motion to recommit it to committee, so that we can take a look at the components. I'm surprised that it's so loose.

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. VILORIA • FISHER:**

Jim was about to say something else just now to me. Jim?

**MR. SPERO:**

Just one of the resolutions appropriates 600,000 for the construction of the Timber Point maintenance facility, and it's Budget Review Office's opinion that that transfer really isn't appropriate under the program, that it shouldn't supplant regular County appropriations, so I just want to get that on the record.

**LEG. VILORIA • FISHER:**

Well, then, Jim, if David Bishop's resolution on the storm water, the rocks in a box, that's 3 million dollars, isn't it?

**MR. SPERO:**

Yes, that's correct.

**LEG. VILORIA • FISHER:**

So, if that's 3 million dollars. If the total is 15 million dollars, then that certainly is using all of

the allocation.

**MR. SPERO:**

That's 15 million for water quality, farmland ••

**LEG. VILORIA • FISHER:**

That's what I'm saying.

**MR. SPERO:**

•• and open space.

**LEG. VILORIA • FISHER:**

Then 3 million would go beyond the allocation for storm water.

**MR. SPERO:**

Yeah. To the extent where you overdraw one component, it would have to be made up later on. But there needs to be a reconciliation of where the funding is at this point in time.

**LEG. VILORIA • FISHER:**

Okay.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Thank you.

**P.O. CARACAPPA:**

How about that?

**LEG. BISHOP:**

How much does a quarter cent collect annually, approximately, 60 ••

**MR. SPERO:**

I'd say 60 million.

**LEG. BISHOP:**

Okay. How much is allocated to Surface Water Quality Programs? Eleven percent. That means the program, since its enacted, has drawn into it over 6 million dollars a year. Very little has been spent from that aspect of the program. The Surface Water Quality Program has not been spent, except what's been tapped into by Cornell, which is another issue, which we should deal with, because Cornell has a vote on this steering policy, yet they're the prime beneficiary of the program. That's a problem. But, in terms of is there money for the types of programs that we should be spending on, like putting in filters, there has to be. I don't know how the 15 million came about. When was this program renewed.

**LEG. CRECCA:**

We need to find out.

**LEG. BISHOP:**

I don't think that's an accurate number. It just doesn't make sense.

**MR. SPERO:**

That's •• we called the Treasurer's Office today. That's the cash balance in the Water Quality Fund.

**LEG. BISHOP:**

Is that how we always got the numbers, from the Treasurer's Office? It just doesn't •• it just doesn't ring true.

**LEG. CRECCA:**

Rather than ••

**P.O. CARACAPPA:**

Hold on. One at a time.

**LEG. CRECCA:**

Can I make a suggestion?



**P.O. CARACAPPA:**

One at a time. One at a time.

**LEG. BISHOP:**

What year was the program renewed?

**MR. SPERO:**

To 2000.

**LEG. BISHOP:**

2000. So, 2001, 2, 3, 4. That's ••

**LEG. CARACCILO:**

No more than three.

**LEG. BISHOP:**

•• 24 million dollars. I don't •• I mean, we all know we haven't dipped into that aspect of it for anything close to 5 million, I can't think of.

**LEG. CRECCA:**

If I can ••

**P.O. CARACAPPA:**

Hold on, hold on. Legislator Bishop.

**LEG. BISHOP:**

Yes. I just wanted to get on the record. But I want to agree with Budget Review, we should not be •• the one thing we have to guard against is using this fund to supplant operating and capital •• operating expenditures that would be •• by the normal course of business, would be in the Operating Budget, and using this fund to supplant that, so that the net result is the public doesn't get anything additional ••

**P.O. CARACAPPA:**

Andrew.

**LEG. BISHOP:**

It's just that we don't have ••

**P.O. CARACAPPA:**

Andrew, Legislator Crecca.

**LEG. BISHOP:**

•• it's just that we don't have pressure on the budget ••

**P.O. CARACAPPA:**

You want to say something?

**LEG. BISHOP:**

•• which is really what this fund is for.

**LEG. CRECCA:**

I just wanted to tell everybody that when it goes back to Budget and Finance, we had some misinformation on this. We will get the story straight. And Jim, I would ask Budget Review just to look into this even deeper, and figure out how the money was put in there, and we can really have a presentation and we'll start out the meeting that way next Budget and Finance meeting. Thanks.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

I'm certainly not accusing any Legislators or any branch of government of misappropriation of funds, but it's the common practice. Just to answer Legislator Bishop's question, if we knew that in 2000, now we're in 2004, four times six is 24, now we're talking about 15, there is some money missing. It's not really missing, it's just that, you know, a lot of time we, as a Legislature, take money without even knowing that we're taking money from that budget to fund our own little pet project or little, you know ••

**LEG. TONNA:**

I don't know if it works that way.

**LEG. MYSTAL:**

Well, we do. Anyway, that's ••

**P.O. CARACAPPA:**

There's a motion to recommit and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY**

**P.O. CARACAPPA:**

Moving to Economic Development and Higher Education and Energy on your agenda. It's Page 10. **1187 (Directing the County Comptroller to conduct an audit of the Suffolk County Industrial Development Agency (IDA)).**

**LEG. FOLEY:**

We approved that.

**P.O. CARACAPPA:**

No. There was a motion pending, so I'll restate the motion by Legislator Nowick, second by ••

**MR. BARTON:**

Legislator Alden.

**P.O. CARACAPPA:**

Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1528 (Accepting and appropriating a grant award from the New York State Departments of Health and Labor for a Training Opportunity Project: Dietetics Initiative to Educate Technicians (Top: DIET) 87% reimbursed by State funds at Suffolk County Community College).** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1529 (Accepting and appropriating a grant award from the New York State Department of Labor, Welfare •To• Work Division, for an Education for Gainful Employment (EDGE) Program 68% reimbursed by Federal funds at Suffolk County Community College).**

**LEG. VILORIA • FISHER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Vilorina•Fisher, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1557 (Establishing the Gabreski Airport Advisory Committee).** Motion by Legislator Schneiderman, second by Legislator Caracciolo.

**LEG. CARACCILO:**

Yeah.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Opposed.

**P.O. CARACAPPA:**

One •• opposition, Legislator Vioria•Fisher, Legislator Foley, Legislator Montano.

**LEG. COOPER:**

Opposed.

**P.O. CARACAPPA:**

Legislator Cooper.

**MR. BARTON:**

14•4.

**P.O. CARACAPPA:**

**1560**, we have a CN coming. Yeah, let's •• the CN's before you, 1560. We have to amend it? No.

**LEG. SCHNEIDERMAN:**

We have to amend it to ••

**P.O. CARACAPPA:**

Oh, it had to be amended.

**LEG. SCHNEIDERMAN:**

To change ••

**P.O. CARACAPPA:**

Yeah. We'll wait, we'll skip over that and do it as a CN with the packet.

**ENVIRONMENT, PLANNING AND AGRICULTURE**

**EPA, 1011 (Implementing Brownfield Policy for Poulos Property in Eastport, Town of Brookhaven).** Motion by Legislator Caracciolo.

**LEG. VILORIA • FISHER:**

Isn't there a CN on that, Mr. Chair?

**P.O. CARACAPPA:**

On Poulos.

**LEG. CARACCIOLO:**

Yes, there is.

**P.O. CARACAPPA:**

The CN will come. 1338.

**LEG. CARACCIOLO:**

Oh, it's here, it's out, it's been distributed.

**P.O. CARACAPPA:**

We'll do CN's ••

**LEG. CARACCIOLO:**

Oh, you're going to do them at the end.

**P.O. CARACAPPA:**

Right. ***1338 (Approving master list of environmentally sensitive farmland, and recreationally important land acquisitions and implementing planning steps).*** Motion by myself, second by ••

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

•• Legislator Losquadro. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Mr. Chairman, hold on.

**P.O. CARACAPPA:**

I'm sorry, Legislator Bishop •• Binder.

**LEG. BINDER:**

I think I had asked Legislator Losquadro if things could be added.

**LEG. LOSQUADRO:**

If I may, Mr. Chairman. I received the list of lands that you had sent over. I had spoken with Legislator Schneiderman as well. He had a number of parcels that he also wanted to see added. We were not able to make the correction at that time. We felt it was prudent to move forward with that master list.

**LEG. BINDER:**

We can do this ••

**LEG. LOSQUADRO:**

We received the ••

**LEG. BINDER:**

We can do this in two weeks.

**LEG. LOSQUADRO:**

•• the utmost assurances that this does not preclude any further submissions, in fact, I had. That master list, I'm sure, as I made you aware, there are no parcels in my district.

**P.O. CARACAPPA:**

I have a bunch of them, too.

**LEG. LOSQUADRO:**

This does not worry me in the least. I have a couple of parcels that I'm going to submit for

planning steps, and if you would like, I would be happy to put forward your bill with those parcels that you listed as a stand-alone and put them before the planning.

**P.O. CARACAPPA:**

I'd make a recommendation that, seeing that I have some parcels, Legislator Schneiderman, yourself ••

**LEG. LOSQUADRO:**

Yes.

**P.O. CARACAPPA:**

•• Legislator Binder, we could •• and Mystal, we have parcels, we can do an omnibus planning steps resolution.

**LEG. LOSQUADRO:**

That would be perfect.

**P.O. CARACAPPA:**

And, hopefully, get that ••

**LEG. BINDER:**

Mr. Chairman, I guess my concern also then is that there are a number of Legislators, obviously, who have parcels, and it's unfortunate that the County Executive, in putting this together, didn't •• I mean, I •• I've been hearing how we're not working together or something. Well, I didn't hear anyone call my office from The County Exec's Office as they were putting this together and say, "Are there concerns that you have," and I don't know of any other Legislator contacted here, and so I would think that's unfortunate, so maybe we have to do our own.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Yeah. We could certainly make additions in the near future. We need to move forward with this tonight in order to get the program going. And I'm sure that all of us will have parcels as



the time goes by. It's a dynamic program. And passing this does not shut out any of these other worthy parcels from being considered and approved in the future, but let's move on this one tonight.

**LEG. LOSQUADRO:**

And, Mr. Chairman.

**P.O. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

If I may.

**P.O. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Just one final comment. This process, as I understand, has been a long time coming. This •• many different agencies were consulted on this. This was not something that happened overnight. And as much as I would have liked to have seen some additions be made, I think having an omnibus list like this is a good idea, and we'll certainly be putting forward another one with suggestions from yourself and myself and others. And, as I said, I just want to reassure you, I received every assurance from the Planning Department that they would not be even allocating all of their resources to necessarily preclude other parcels from being considered.

**P.O. CARACAPPA:**

On the •• Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

It's a good list, it's not exhaustive, as has been said. There are properties missing. I had met in the process with some of the Supervisors in my district and got their suggestions. In particular, Southampton had a large number of properties as part of their critical Wildlands Protection Act, and they were concerned that these were not listed in this. Hover, I have

assured them that the Legislature is serious and that the •• about preserving these properties, or at least helping to preserve these properties, and that in a separate omnibus bill that they will move forward. So, I just want to remind you when that comes forward.

**P.O. CARACAPPA:**

Very good.

**LEG. SCHNEIDERMAN:**

Okay? That we're not doing it at this time, but in the future.

**P.O. CARACAPPA:**

Motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1355 (Authorizing planning steps for the acquisition of land under Pay•As•You•Go 1/4% Taxpayer Protection Program (Lakeview Woods, Bayport parcel) Town of Islip).** Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1452 ••**

**LEG. FOLEY:**

Cosponsor.

**P.O. CARACAPPA:**

**•• 52A (Amending the 2004 Capital Program and Budget and appropriating funds for the clean•up of former wallpaper factory site, Lake Ronkonkoma).** Motion by Legislator Lindsay, second by myself, or Legislator Caracciolo, rather. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes. Cosponsor, please.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**LEG. CRECCA:**

Cosponsor.

**P.O. CARACAPPA:**

Same motion, same second on the companion resolution. **1455 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Mastic/Shirley Conservation Area Phase I • Town of Brookhaven).** Motion by Legislator O'Leary, second by ••

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

•• Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1517 (Streamlining land acquisition process to preserve Suffolk's vanishing open space and farmland).**

**LEG. FOLEY:**

Cosponsor, Henry.

**P.O. CARACAPPA:**

Motion by Legislator Crecca, second by Legislator ••

**LEG. CARACCIOLO:**

On the motion.

**P.O. CARACAPPA:**

Legislator Losquadro.

**LEG. CARACCIOLO:**

On 1517.

**P.O. CARACAPPA:**

On the motion, Caracciolo.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. I would just like to state for the record that there have been repeated attempts by some, including the media, to totally distort and misrepresent this County's Land Acquisition Program record. So, in an effort to educate everyone, including my colleagues today, Budget Review Office has prepared at my request a list that will reinforce the fact that this County has spent in the last five years a total of •• let me get the total figure here. We have it that other piece of paper. Here it is. One hundred seventy•two million dollars in land acquisitions, preserving almost sixty•two hundred acres.

Now, some who have been critical, and I bring this up, because this resolution speaks to streamlining and preserving our vanishing open space and farmland. Well, if there has been any slow down the County's acquisition program, first and foremost, it's a results of inadequate staff resources.

In committee last week, I once again, probably for the twentieth time in the last seven or eight years, and those of you, including Dave Bishop and others who have served on the former ELAP Committee, and so forth, know that almost it's an annual ritual where I will request of the Planning Director and others, what are your staff needs, are they being met? And because they're all under gag orders for fear of retribution from higher ups, they say, "Oh, we're doing fine." So, now we have a new County Executive and he has pledged to increase the number of lawyers to review contracts, to prepare a standard contract, which in and of itself should help to expedite the process. But on closer examination of this resolution, one should note that the time line from start to finish, if you call this streamlining, it's a new definition to me, is a minimum or maximum, depending on how quickly things can get done, of seven and one•half months.

I am in the process of putting together a record to see what our record has been in last five years. I can tell you that when you look at the numbers, the reason why the program, one of the reasons, and, actually, Miss Pat Zielinski acknowledged this, both in my office two weeks ago and again at committee, is that the biggest delay the County has in its entire acquisition process begins with our bid for an appraisal with outside appraisers, and then the time it takes to receive that appraisal back and to review that appraiser •• appraisal. Now, this resolution, to its credit, identifies a total of 75 days to go through that process. If that time line is struck, then maybe that will increase the speed in which these matters can be dealt with.

The resolution now, however, creates another layer of review and approval, and that's the

Environmental Trust Review Board. And while I have some reservations about its composition that has nine member, five from the Legislature and four from the Executive Branch, I'm known to support the resolution with reservations. And I also will be keeping a very strict track record to see what the performance is going to be over the next 12 months. And if it's •• if it's not an improvement, then we're going to have to revisit the reforms.

Today's Newsday Editorial, "Reform the Reforms", you know, really ignores the facts that we have preserved sixty•two hundred acres at a cost of 172 million dollars. And most importantly, when the critics say you're not spending enough, you're not preserving enough, they completely ignore the fact that in 1999, the average cost per acre for a County land acquisition was just shy of \$13,000. For 2003, which according to the latest Planning Commission annual report, the County preserved 723 acres at a cost of almost 25 million dollars. But, when you break down the per acre cost, it's almost \$68,000 an acre. So, you know what, when you have a finite amount of money, you can only buy a finite amount of land, and that can't be lost in the discussion or the debate of this important issue.

The other aspect, which so far the administration is ignoring, is that there are two resolutions that have been pending since the beginning of the year, one by Vilorio•Fisher and one by myself, that combined would add another 98 million dollars to open space and farmland protection.

I have repeatedly in my office telephone conversations and during committee meetings, again, as recently as last week, queried them, "Do you need the money?" "We're okay." And those of you on the committee will •• you know, got a chuckle out of this last week. I said, "Well, then, make damn sure that we don't see a resolution coming from the County Executive in the next two or three months trying to take credit for adding funds to environmental protection." Budget Review has included it in the Capital Budget, and while it doesn't kick in for another year or two, it will be an additional Debt Service Program cost. But let me remind everybody as we sit here in early June, if we do not take those two issues up by our August meeting, it cannot get on the ballot, and this administration, with all its pledges to cooperate, streamline and accelerate our Land Acquisition Program, will not be able to do it.

I also have some concern that they're not going to have all the resources they need in place, because they acknowledged that, too, last week. So, let's not, you know, fool ourselves into

thinking that this is the beginning and end all of accelerating the program. I'm willing to give it a chance. I have some reservations, as I've said, but without cooperation from this administration, we'll be sitting here, the critics will be back, and arguing that the County's program, despite this effort, is stalled. Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Thank you very much. Legislator Alden.

**LEG. ALDEN:**

I have a couple of questions about the bill, and I'm direct them either to the sponsor or to Legislative Counsel. Is there a stated goal in this bill as far as how much we either want to spend, or how many acreage we want to preserve and a time line?

**LEG. CRECCA:**

The answer is, is that, no, there isn't. There's about 90,000 acres left in Suffolk County. You know, we discussed wanting to buy 30 or 45 of those. I think 30 is a more realistic number. And the idea is the sooner we buy it, the less expensive it will be. That's the idea of the master list, that's the idea of adding and subtracting from the master list. It is a working document that will provide guidance to the Real Estate Department, so •• and I have some more comments that I'll add, but I just wanted to answer that question.

**LEG. ALDEN:**

Does this change in any way the purchase price that we're allowed to buy? In other words, we're allowed exceed the ••

**LEG. CRECCA:**

Yep.

**LEG. ALDEN:**

Okay. And if you could explain.

**LEG. CRECCA:**

It changes •• it changes a couple of things. Number one is there's no more mean of the average of the appraisals, which has been one of the things that's been problematic in appropriating or, I'm sorry, in getting to negotiate the deal, because, as Mike aptly pointed out,



the most delayed portion is getting the appraisals done, getting them back, getting them properly •• get them back with the right numbers in them. When I say the right numbers, properly looking at the land values and all. And what happens is a lot of those get old fast and they're stuck with •• by the time they go into negotiations, the way the real estate market has been mean, the mean of the average sometimes is nowhere near the market price, the fair market value. So with this resolution is it does away with that. It allows for the adjustment review, and that's why you have the Environmental Trust Review Board reviewing the appraisals that were done •• that were already reviewed internally, but now you have this larger body looking at it and approving it.

Once they go back to the seller, they're authorized to offer a certain amount of money, or to go to a certain price, if they cannot negotiate the deal for that. There's no more coming back to us with 10% over the value, or 25% over the value, or whatever the case be. You know, it's highest and best use, fair market value, the standards that are used throughout the industry, very similar to what the State and federal government have done in their land acquisition programs.

**LEG. ALDEN:**

As an attorney, I'm a little bit concerned with allowing another level of review to set a price on property that we're going to buy without it coming back to us, but I get a sense almost that we're ••

**LEG. CRECCA:**

Can I answer?

**LEG. ALDEN:**

Fine.

**LEG. CRECCA:**

No, no, I didn't mean ••

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

I didn't mean to cut you off, I just want to answer that. It's a very good question. It was one of the debates that came up in drafting this resolution. There were some people who advocated for it not coming back to the Legislature. This resolution requires that it come back for us for final approval. And my feeling on that, and I think I share this with my 17 colleagues, is that when it comes to spending County dollars, spending money out of the program, it has to come back to us for approval, because we are the final decision-maker with regard to that, and that's why it will come back to the Legislature, and we felt it was important to keep that function here at the Legislature.

**LEG. ALDEN:**

Also, in traditional real estate, when you're putting together a real estate transaction you normally expect an appraisal to come back within a number of weeks, not months, and you want that reviewed very quickly, because a lot of times that determines whether your bank is going to lend on it, and whether they have a deal or not. So, whether you represent the buyer or the seller, it's very important to get those numbers very quickly. That, I don't •• I don't think that this really addresses that problem, because I think this actually extends out the process of getting an appraisal, and getting it reviewed, and getting a price approval. Can you address that?

**LEG. CRECCA:**

I'm not •• I have a question for Counsel. I'm not •• I heard earlier a reference to 75 days for that part of the process. I don't think that's in the bill, is it?

**LEG. CARACCILO:**

On 16 ••

**LEG. CRECCA:**

No, I'm not arguing with you, Mike. One of the things we did was we sat down, we worked with Pat Zielinski on this, and that should be on the record, and that was one of the things that I was going to put in my comments, but it answers your question. And there was some changing of the time periods in here to allow •• she gave a commitment that she could work within these time periods for the acquisitions. We didn't want to create something that realistically she couldn't comply with, and that was one of the reasons •• I'll address my answer to both Michael and to Cameron. That was •• I'm sorry, Legislator Caracciolo and Legislator Alden.

**LEG. ALDEN:**

We have rules about that.

**LEG. CRECCA:**

I know. I realized I violated the rule.

**LEG. ALDEN:**

Your Honor.

**LEG. CRECCA:**

So, what we tried to do is put numbers in that Real Estate could be committed to. And, Mike, in my comments shortly, I will address a good point that you bring up regarding the administration.

**LEG. ALDEN:**

Now, we had an answer from Counsel.

**MS. KNAPP:**

The only other •• the time frame that is in here is the 15 days that the •• that the Internal Appraisal Review Panel has to review and bring it to the Board, to the Environmental Trust Review Board. The only comment I would make, and Legislator Crecca is correct, that earlier drafts of this did have tighter time frames, and Ms. Zielinski was not entirely comfortable with those time frames. And I think we settled that by requiring these quarterly reports that are detailed, so that everyone, and by everyone I meant the Legislature and the Executive, could see if a particular acquisition was held up at a particular part of the process. That was our complement.

**LEG. ALDEN:**

Herein lies a major problem, then, with an acquisition program. We don't have a stated goal of what we want to accomplish. And number two, we don't have the manpower to accomplish even an unstated goal. So, that's why we're seeing the process drag on, we're seeing parcels linger that should have been purchased. And I don't think that this will solve the problem, because we •• on the one end, we don't have the manpower. And I would •• actually, I would

like to see this revised and state a goal and put somebody on a dime. If the administration cannot perform to the standards that we want, if we want to accomplish, and I'll make up a number, a thousand acres a month, if that's what we want to try to purchase, then we've got to establish that.

***[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]***

**LEG. CRECCA:**

I'm next, right?

**P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

And Cameron, you bring up good points and so does Legislator Caracciolo. And I want to say that this bill was not drafted without consultation and without just having the environmental community at the table, but also having Pat Zielenski there, Tom Isles. And one of the things we were very, very •• we felt was very important was to get them to buy into the resolution and to buy into this idea, and when I say buy into it, in the sense that they could do what they needed to do within these parameters, and the idea is this. Mike, you're absolutely right, this bill does hold their feet to the fire because anything we do, any policy we employ will not work unless it's administered properly. And I told Pat Zielenski the same things you've told her, too, "If you need staff you've got to come here and ask for them, you'll probably get them; if you can justify the need you will get it." She says that she's still assessing that but thinks she can work within what she has, the same answer she's given you, but if she needs more staff, we're here ready, willing and able to do it. This Legislature is committed to acquiring land.

This doesn't undo, just so I'm very clear, what was done two years ago when I sat on the Environment Committee by Legislator Bishop, worked with Legislator Carpenter and Lindsay on that, this doesn't undo it, it just makes it better. And I think that the reason this has such uniform support is I think it will move us in the right direction.

And Mike, we should keep looking at it because I'm going to tell you right now, there may be other things we need to do to tweak it, change it, six months from now, a year from now, you probably have got to give it a year to work, but bottom line is we should keep looking at it. And to Dick Amper and the environmental community sitting out there, you should keep looking at

it. I think the quarterly reports are really important, because I can tell you right now most of my acquisitions have never actually gotten acquired and most of the reason is because this being average stuff just doesn't work in a west end district, and I have environmentally sensitive wetlands that we haven't been able to acquire.

So with all due respect, this should fix the problem, I don't make any guarantees to anybody. I think it is a step in the right direction, I think everybody is going to look at it. And if I'm not here, guys, you've got to promise me you'll look at those quarterly reports because that's where you're going to be able to tell, because on that report it's going to list every piece of land and it's going to state where it's at, what has been done and you'll be able to see what hasn't been done and it will end the gridlock that we've had for so long.

So I just want to say thank you to our Counsel who worked very, very hard on this, to Dick Amper and to other members from the environmental community and to Pat Zielenski and even Mike Deering helped us out, a few other people; it was a very cooperative effort. And to my colleagues, Dave Bishop, who also was very cooperative, too, with some important changes. And I would like to thank the academy.

**P.O. CARACAPPA:**

Legislator Losquadro then Foley.

**LEG. LOSQUADRO:**

Yes, I just want to say I appreciated all the comments in committee. Legislator Caracciolo reiterated many of the comments he made, Legislator Bishop made a number of very important comments in the Environmental Committee. And I just want to say that it's obvious, as Legislator Crecca said, we are committed to working together with the Departments of Real Estate and Planning and the County Executive, we're committed as a County towards moving this process forward and preserving as much land as we possibly can given, as Legislator Caracciolo so adequately pointed out, we do have finite resources and we need to do the best we can with those resources and I think this will go a long way towards improving that process.

**P.O. CARACAPPA:**

Legislator Foley then Caracciolo.

**LEG. FOLEY:**

Thank you. Following up on what Legislator Caracciolo mentioned earlier as far as the need for additional personnel, you can ask the Director or Commissioner and yes, many times they do say they're doing fine. I think the approach you may want to take here is something that Legislator Caracappa and I have done over the years which is when we used to hear from the Commissioner of Public Works that everything was fine, we still moved forward and placed additional engineers and others into the program and allocated the dollars. So even if Ms. Zielenski may wait some time before getting back to you as to what other positions she may need, I'm sure those who are members of that committee can determine as of the next meeting what additional positions are needed, go forward and fund those positions and not necessarily await for the administration to tell you which positions. We as Legislators in the past have put forward what we believe is necessary without waiting to hear from the Commissioner or Director as to what position are required when through our committee work we know what's required. So I would suggest we move forward with all due speed to put the positions in the budget that we believe are necessary as opposed to awaiting for, you know, the list from the Executive Branch. Thank you.

**P.O. CARACAPPA:**

Finally, Legislator Caracciolo.

**LEG. CARACCILO:**

Thank you. You know, with respect to the staffing issue, we allocate in this year's budget a Farmland Administrator, the first time we did that. We have targeted, so have others, farmland preservation, we had a presentation back on May 11th. To my knowledge, unless it's happened in the last week, we don't have a Farmland Administrator, it's in this year's budget and that's the issue I'm speaking to.

We need additional review appraisers; we're hearing that they're in the process of hiring those appraisers. About the only thing that I'm aware of that we're very close to doing is hiring some additional attorneys to prepare/review the contracts; that's not going to do it, it's the appraisal process is where the longest delays take place.

And finally, while going through this exercise of setting the record straight on what the real numbers are, since 1999 the Legislature predominantly and the County Executive on occasion has sponsored more than 219 resolutions, be it planning or outright acquisition resolutions, and

I'd like to share with everybody what has transpired.

**LEG. VILORIA • FISHER:**

(Inaudible).

**LEG. CARACCILO:**

No, I have them broken down into categories, okay? Of the 219 the County has closed on 84, we're in contract on 15, 13 properties have been acquired by other levels of government, be it the town and some I think in one or two instances the State, the KeySpan property comes to mind. This is a very important number; 30 County offers have been rejected. Now, some may speculate it's because our offers are too low, there was a problem with our appraisals; I think closer examination of that needs to be made and I'm going to try to find out what transpired there. Another five are in negotiation; and 42, another big number, we either had an unwilling seller or they, again, were flatly rejected, our offers were rejected, that brings us to 189. Right now we have 27 in the appraisal process. And I submit once again, without the proper staff we're not going to make any headway and fiber and review process.

So I'm putting the administration on notice, I am going to be watching these programs very closely to make sure that all of the pledges and rhetoric that we've heard for the last almost six months now get put into practice and there's no more excuses. You're telling us that this is the prescription to fix the program; well, the ball is now going in your hands and we're going to be watching. Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Very good.

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

I think that those are very valid comments and I join your sentiments; if you don't have enough

manpower you're not going to accomplish anything here. The other thing that really should seriously be looked at is Legislator Binder's proposal that would streamline the purchase process and possibly get it going, even combined with something like this.

**LEG. BINDER:**

This is ••

**LEG. ALDEN:**

The two of these would fit possibly hand•in•glove and really get it back to the old Gaffney's days of purchasing tons of land and preserving tons of farms and waterways and things like that.

**LEG. BINDER:**

Without conflict of interest.

**LEG. ALDEN:**

Exactly.

**P.O. CARACAPPA:**

Cameron, that's a valiant effort to stall time so the sponsor can get back in.

**LEG. ALDEN:**

With that having been said ••

**LEG. O'LEARY:**

He's on his way.

**LEG. ALDEN:**

•• I'll sum up in this manner.

**LEG. LINDSAY:**

Can you sing?

**LEG. ALDEN:**

And thank you very much.



**P.O. CARACAPPA:**

There's a motion and a second. Oh, there's no motion? Motion by Legislator Crecca, second by Legislator Losquadro. Before we vote, I would like to congratulate Legislator Crecca for some excellent work, I know you worked on this a long time and it's appreciated.

**(\*Applause from Dick Amper\*)**

**P.O. CARACAPPA:**

Look at that, applause. All in favor? Opposed? Abstentions?

**LEG. LINDSAY:**

Cosponsor.

**LEG. FOLEY:**

Cosponsor.

**LEG. MYSTAL:**

Everybody cosponsor.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1556•04 • Authorizing planning steps for the acquisition of land under Pay•As•You •Go 1/4% Taxpayer Protection Program (land adjacent to 6th Police Precinct, Town of Brookhaven) (Presiding Officer Caracappa).*** Motion by myself.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18. **\*\*SEE CHANGE IN VOTE BELOW\*\***

**P.O. CARACAPPA:**

**Health & Human Services:**

***1440•04 • Adopting Local Law No. 2004, a Local Law to require defibrillators in health clubs in Suffolk County (Alden).*** Motion by Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1464•04 • Designating the second week in May as "Mather Hospital Week" (Presiding Officer Caracappa).*** Motion by myself, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1538•04 • Authorizing the Department of Health Services to increase its fleet by one (1) vehicle for the Crime Lab Accreditation Program (Presiding Officer at the Request of the County Executive).*** Motion by Legislator Foley, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1543•04 • Requesting Legislative approval of a contract award for Patient Review Instrument (PRI) Assessment Services for the Department of Health Services, John J. Foley Skilled Nursing Facility (Presiding Officer at the Request of the County Executive).*** Motion by Legislator ••

**LEG. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

This is requesting Legislative approval for contract reward for Patient Review Instrument Assessment Services for the Department of Health Services; explanation.

**LEG. FOLEY:**

There is a second, I made the motion.

**LEG. BISHOP:**

What happened to 1556?

**LEG. LINDSAY:**

It was approved.

**P.O. CARACAPPA:**

It was approved.

**LEG. BISHOP:**

Oh. Could I ••

**P.O. CARACAPPA:**

Motion to reconsider 1556 ••

**LEG. BISHOP:**

I'm sorry. I voted against it in committee and I just ••

**P.O. CARACAPPA:**

•• by myself, second by Legislator Bishop. All in favor? Opposed? Abstained? Even though it's my bill. Motion to approve by myself, second by Legislator Losquadro. All in favor?

**LEG. CARACCILO:**

What is this?

**P.O. CARACAPPA:**

1556.

**LEG. BISHOP:**

You voted against it in committee, as did I.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions? Opposed, Legislator Bishop and Legislator ••

**LEG. CARACCILO:**

No.

**P.O. CARACAPPA:**

Okay, thank you.

**LEG. BISHOP:**

You're for it now.

**MR. BARTON:**

**\*\* AMENDED VOTE ON 1556•04: 17•1 (Opposed: Legislator Bishop).**

**P.O. CARACAPPA:**

1543, we're waiting for an explanation.

**LEG. FOLEY:**

The explanation •• if I may, Mr. Chairman, the explanation is that in order for the department to move forward with this contract award, there was only one respondent to the RFP and according to County Law, when there's only one respondent to an RFP it has to come before the Legislature for approval. And the long and short of it is that the department believes they need to have these additional contractual services in order to more fully undertake the patient review •• the PRI assessment which occurs on almost a daily basis on reviewing the •• on assessing the health needs of those who are either entering the facility or those who are in the

facility. So this contractual assistance is something the department believes they need and it's before us because only one bid, one respondent came forward for the RFP.

**P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. CARPENTER:**

Were the PRI's done by the facility themselves ••

**LEG. FOLEY:**

This dates back to Gaffney's administration as a matter of fact, the end of last year.

**LEG. CARPENTER:**

Well, I'm just asking, is this a new process as far as having an outside vendor do the PRI's or did we do them in-house before?

**LEG. FOLEY:**

Good question.

**LEG. CARPENTER:**

And my other question is it says here that the Department of Public Works advertised and mailed four solicitations I guess to potential vendors, we received only one. And if, in fact, this was not done in-house and done by an outside agency, was this the agency that did it before?

**LEG. FOLEY:**

Well, let's table it; you want to table it? We'll table it and we'll ••

**P.O. CARACAPPA:**

Table one cycle, motion by myself to table, second by Legislator Foley. All in favor? Opposed? Abstentions? 1543 is Tabled.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**Parks & Cultural Affairs:**

***1456•04 • Re•extend the deadline for report by Committee to Study Common Sense Alternative Funding Mechanisms for the Suffolk County Parks System (Caracciolo).***

Motion by Legislator Caracciolo.

**LEG. ALDEN:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1542•04, 1542A • Appropriating funds in connection with demolition/construction of maintenance facility at Indian Island Gold Course (CP 7167) (Presiding Officer at the Request of the County Executive).*** Motion by myself, second by Legislator Caracciolo.

Roll call.

***(\* Roll Called by Mr. Barton • Clerk \*)***

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCILOLO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Pass.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. MYSTAL:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

***1546•04, 1546A • Amending the 2004 Capital Budget and Program and appropriating funds in connection with paving improvements and lighting at County Parks (CP 7079) (Presiding Officer at the Request of the County Executive).*** Motion by Legislator Schneiderman, second by Legislator O'Leary. Roll call.

***(\*Roll Called by Mr. Barton • Clerk\*)***

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.



**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

***1553•04 • Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Parks for "Timber Point Golf Course Maintenance Building" (Presiding Officer at the Request of the County Executive).*** Motion by Legislator Crecca to recommit, second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**Public Safety & Public Information:**

***1521•04 • To secure Police Officer positions for returning Veterans (Caracciolo).***

Motion by Legislator Caracciolo.

**LEG. O'LEARY:**

Second.

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary and Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**LEG. FOLEY:**

Cosponsor.

**LEG. CRECCA:**

Cosponsor.

**LEG. LOSQUADRO:**

Cosponsor.

**LEG. ALDEN:**

Cosponsor

**P.O. CARACAPPA:**

Cosponsor us all.

***1540•04 • Transferring and appropriating funds from the 1% Bail Fee Account into the Department of Probation to enhance an alternative to Incarceration Program and reduce jail overcrowding (Presiding Officer at the Request of the County Executive).***

Motion by Legislator Bishop, second by Legislator Mystal. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1547•04, 1547A • Amending the 2004 Capital Budget and Program and appropriating***

***funds in connection with the purchase of a prisoner transportation bus • Police Department (CP 3175) (Presiding Officer at the Request of the County Executive).***

Motion by Legislator Carpenter, second by Legislator O'Leary. Roll call.

***(\*Roll Called by Mr. Barton • Clerk\*)***

**LEG. CARPENTER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yeah.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes, seven lots.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

***1548•04, 1548A • Amending the 2004 Capital Budget and Program and appropriating funds in connection with the repowering of Police patrol boats (CP 3198) (Presiding***

***Officer at the Request of the County Executive).*** Motion by Legislator Carpenter, second by Legislator Losquadro. Roll call.

***(\*Roll Called by Mr. Barton • Clerk\*)***

**LEG. CARPENTER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

***1562 • 04 • Authorizing establishment of an ambulance service for Fire Island under the NYS Public Health Law (Presiding Officer at the Request of the County Executive).***

Motion by Legislator Carpenter. Second by Legislator Foley?

**LEG. FOLEY:**

No, I will not make the second.

**P.O. CARACAPPA:**

No?

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

Motion by Legislator Carpenter. Is there a second?

**LEG. NOWICK:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Nowick. All in favor?

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. CARPENTER:**

Can I just •• what this is doing is enabling the Police boats to be certified as ambulances so that they can be transferred ••

**LEG. FOLEY:**

Oh, yes, I'm sorry.

**LEG. CARPENTER:**

Certified by the New York State Department of Health as ambulances. And also, there's one



ambulance at the Police Academy and while they were doing the Police boats they wanted to include that so that if they need to use that ambulance at, you know, disasters or something, that it could be certified also.

**LEG. ALDEN:**

I'm not on the ••

**LEG. FOLEY:**

Mr. Chairman, if I may?

**P.O. CARACAPPA:**

Legislator Alden and then Legislator Foley.

**LEG. ALDEN:**

I'm not on Public Safety, but will that impact their mission as Police boats?

**LEG. CARPENTER:**

No. It's just that especially for over on the beach when they're doing medical transports, that for the most part the Police Officers are trained in EMT's and all the other things that they need to be, but in order to have the boat a certified ambulance you had to go through this process with the State.

**LEG. ALDEN:**

So similar to what happens with the air ambulances?

**LEG. CARPENTER:**

And the emergency services person for the County, Dr. Alicandro, has been on the vessels and they do have whatever is needy and necessary to qualify them.

**LEG. ALDEN:**

Okay.

**LEG. CARPENTER:**

So we just need to do this resolution.

**LEG. ALDEN:**

They'll bill, similar to what happens with the air ambulance service?

**LEG. CARPENTER:**

There's no billing.

**LEG. ALDEN:**

Yeah, we bill Medicaid and we bill health insurance plans. When we send a helicopter out for an evac, we definitely bill health insurance plans.

**LEG. BISHOP:**

No, I don't think we do.

**P.O. CARACAPPA:**

There was a proposal to do that but I don't think we ever did.

**LEG. BISHOP:**

Legislator Postal had a proposal for years to do that, which I thought made sense; the problem was that if we did that then the status of the license, the FAA license would change ••

**LEG. CARPENTER:**

Exactly, that was the problem.

**LEG. BISHOP:**

A tremendous problem with the change in that status.

**P.O. CARACAPPA:**

Right. So there's a motion and a second.

**LEG. FOLEY:**

Mr. Chairman, I ••

**P.O. CARACAPPA:**

Oh, Legislator Foley; My apologize.

**LEG. FOLEY:**

Yeah, thank you. I was one resolution ahead. Since I still represent a portion of Fire Island, I would like to second the motion and go on as a cosponsor.

**P.O. CARACAPPA:**

Legislator Nowick?

**LEG. NOWICK:**

That's fine.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Mark Legislator Foley as the second and a cosponsor. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**Public Works & Public Transportation:**

***1531•03 • Approving amended Cross Bay Ferry License for Bay Shore Ferry, Inc. (Presiding Officer Caracappa).*** Motion by myself, second by Legislator Bishop. All in favor? Opposed?

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Can we just put on the record what the change is? Again, I'm not on Public Works.

**LEG. O'LEARY:**

I can report on that, Mr. Chair. The change in 1531 was an attachment of the schedule that had not been previously filed by the applicant and that's been filed with BRO in satisfaction of the requirements, as was indicated to us by BRO during the committee.

**LEG. ALDEN:**

Is he still going to rent out, basically, his license?

**LEG. O'LEARY:**

Yeah, the issue of an assignment of license as well as the crew and the collection of fees has all been resolved to BRO's satisfaction. There is no longer an issue of it in assignment of license and the questions concerning the use of the crew, his own crew and the collection of fees by his crew has been resolved as well.

**LEG. ALDEN:**

Okay. So basically what he's going to do is just rent a boat?

**LEG. O'LEARY:**

He's leasing a boat.

**LEG. ALDEN:**

Leasing a vessel.

**LEG. O'LEARY:**

A vessel, yes, one vessel.

**LEG. ALDEN:**

And he's going to man it and collect the fees?

**P.O. CARACAPPA:**

Like the other companies do.

**LEG. ALDEN:**

Okay, thank you.

**LEG. O'LEARY:**

Yes.

**LEG. FOLEY:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

There were quite a few questions about schedules. The applicant has submitted the schedule for the boats and it's a schedule that reflects the limited number of boats that are involved. There was also issues about whether or not all the Certificates of Occupancy, the CO's were obtained by the applicant from the town, that was an open question before; can we have an answer to that, Mr. Chairman, from Mr. Duffy?

**P.O. CARACAPPA:**

Kevin, would you please?

**MR. DUFFY:**

I had received a call yesterday from a Mr. \\_Laufer\\_ who is a Town of Islip Department of Harbor Police, he indicated that there was still a problem and that he •• I indicated to him that if he would send a fax to Counsel's office; I checked with Counsel's office this morning and they have not sent a fax. But he had written last year to Paul Sabatino on August 8th, 2003, indicating that there were problems with Certificates of Occupancy, I don't know whether or not he has sent anything to Counsel but that is something the Legislature may wish to consider. It does not directly effect Bay Shore Ferry, but it involves Maple Avenue Marina which is also owned by the petitioner.

**P.O. CARACAPPA:**

Okay. Legislator Lindsay.

**LEG. LINDSAY:**

Just did Counsel receive anything on this?

**LEG. BISHOP:**

I'm sorry.

**MS. KNAPP:**

No, I did not and, you know, I checked periodically all day yesterday and this morning.

**P.O. CARACAPPA:**

All right. Motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

That was so easy. Mr. Hurley, you deserve a medal.

***Applause***

That's perseverance.

**LEG. BISHOP:**

When does he have to come back; is it an annual event?

**P.O. CARACAPPA:**

Next week. No, you have to start process over again.

**LEG. ALDEN:**

Mr. Presiding Officer?

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Just before you leave, though, just a word of caution; you do have a problem with Islip because they indicated, the last time I checked which is only a few days ago, that you really don't have the proper permits to operate off the dock, so.

**MR. HURLEY:**

That's incorrect.

**LEG. ALDEN:**

Well, I'm telling you what the attorney's office said over there.

**P.O. CARACAPPA:**

I'm sure he's aware of it.

***1412•04 • Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 515 Restaurant Corp (HU1438) (Presiding Officer at the Request of the County Executive).***

**LEG. BISHOP:**

Run, run.

**LEG. CRECCA:**

Motion to reconsider? No.

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

1412, motion by ••

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Legislator O'Leary, second by Legislator Crecca. All those in favor?

**LEG. ALDEN:**

Explanation, please, on who this is.

**P.O. CARACAPPA:**

Not the sponsor, who is ••

**LEG. ALDEN:**

515 Restaurant Corp.

**P.O. CARACAPPA:**

Who's the company?

**LEG. BISHOP:**

Is this a restaurant?

**LEG. CARPENTER:**

It is, and it was in an office building, it was not a restaurant before but they're putting in a restaurant.

**LEG. CRECCA:**

I have some information on it, if you want.

**P.O. CARACAPPA:**

Go right ahead, Legislator Crecca, if you wouldn't mind.

**LEG. CRECCA:**

It's actually Suffolk County Industrial Development Agency issued an inducement to get Merchant Services Inc., which is now •• it's a company called EVO Merchant Services with regard to getting them to come to Suffolk County; it involves \$6 million renovation to the building and upgrade of significant portions of the building.

One of the principal owners of the building is a hundred percent owner of this company, EVO.



They currently have 32,000 square feet on Old Bethpage Road in Plainview, they're moving to the Suffolk County location. Their payroll is currently \$8.2 million a year, the average salary of their employees is \$65,000. EVO, they're planning on adding 175 employees over the next two years. They are electronic payment processors of credit cards. I mean, the bottom line is this is a really good economic move for Suffolk County.

**LEG. BISHOP:**

It's a restaurant.

**LEG. CRECCA:**

We addressed capacity issue in the Public Works Committee, so capacity is not a problem here. You know, this represents what I think are new jobs for Suffolk County residents and brings dollars in here.

**LEG. BISHOP:**

That's crazy.

**LEG. MYSTAL:**

Where are they located?

**LEG. ALDEN:**

I had one more ••

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

It's located at 515 Restaurant •• no, is that it?

**LEG. MYSTAL:**

I'm trying to find the address.

**P.O. CARACAPPA:**

Restaurant Corps; what's the address?

**LEG. BISHOP:**

It's owned by something called 515 Restaurants Corps?

**P.O. CARACAPPA:**

Yeah.

**LEG. O'LEARY:**

Mr. Chair, it's just off 110, north of the Expressway, that bank there, that old bank that's right up there, that area.

**LEG. BISHOP:**

Where the radio station was on the second floor?

**LEG. O'LEARY:**

No, it's just north of the Expressway, west of 110.

**LEG. BISHOP:**

Oh, west, okay.

**LEG. ALDEN:**

And I just had one more comment.

**P.O. CARACAPPA:**

By the old Nichol's.

**LEG. BISHOP:**

Okay. On the motion.

**LEG. ALDEN:**

I just had one more comment?

**P.O. CARACAPPA:**

Legislator Alden then Bishop.

**LEG. ALDEN:**

I did hear somebody say that the flow of the gallonage is not a problem, but I read the minutes from the Sewer Agency meeting and it looks like if all the things do get hooked up that we don't have excess capacity. And also that there was an objection by Legislator Mystal and there's a project that was near and dear to Maxine and also to Legislator Mystal as far as possibly hooking up Wyandanch to it and in that case we don't have capacity.

**P.O. CARACAPPA:**

There is a resolution, though, coming dedicating •• Legislator Mystal, if you wanted to.

**LEG. MYSTAL:**

The problem that we had in the Sewer Agency right now, the last time I looked, we had a capacity left over about two million, a little over two million gallon. We have the Jerry Wolkoff project in Brentwood which is hooking up for \$1.2 million, and then we have Tanger Mall which is •• well, another Tanger Mall possibly coming into Babylon which is going to hook up for a few more gallons.

**LEG. BINDER:**

Not if I can help it.

**LEG. BISHOP:**

They're not entitled.

**LEG. MYSTAL:**

Well, no, I'm not saying anybody •• what I'm saying is that we have been •• when they build the sewer district, the reason they built the sewer district at this facility, the argument that they proposed was that we needed to hook up Wyandanch because it was a poor area with a very high water table to it, and of course the lines stop a certain state in the lineage was never hooked up. And I'm looking at all these different outside businesses hooking up to the district and eating up the capacity and Wyandanch has not even been talked about. So I'm trying to stop anything from hooking up anywhere, let them build a plant.

**P.O. CARACAPPA:**

Legislator Bishop then Carpenter.

**LEG. BISHOP:**

Just for more perspective on the Wyandanch issue, it's not just that Wyandanch was cut off from the sewer at the time the sewer district was created, and I don't know what the rationale was for that, I mean, I assume the worst. But Wyandanch can't develop without sewers because the water table is very high and so it has suffered with inferior development and a lack of potential because it doesn't have sewer district hook•up. Meanwhile, much further away is the Route 110 corridor and consistently this County has hooked in businesses on the Route 110 corridor and used up the capacity of the Southwest Sewer District. Now we have dedicated a lot of capacity to the \\_Walcoff\\_ project because, among other things, it promises to build affordable housing and that's something that's a priority for us. But what we need to do with the Southwest Sewer District is to take a step back and figure out how much capacity is there, how much capacity there will be and allocate based on a priority. This is •• you know, it's a little late in the game to shut this one down, I would think, but I want to point out that taking jobs from Plainview and moving them six miles east to Route 110 is hardly creating jobs in Suffolk County; I don't think that's going to create one job in Suffolk County.

**LEG. CRECCA:**

You're wrong.

**LEG. BISHOP:**

And that's not the kind of development that we should be subsidizing.

What we should be subsidizing is ••

**LEG. CRECCA:**

Subsidizing? They're paying \$15 a gallon.

**LEG. BISHOP:**

No, we're subsidizing. Make no mistake about it, they want it because it's cheaper than what they would be required to do under the law and it's a benefit that they are not entitled to and we are providing. So it is very much a subsidy.

**LEG. CRECCA:**

Put me back on the list.

**LEG. BISHOP:**

And so I don't know if this is •• what we need to do is coordinate better with our IDA about

where they're promising that we're going to give away our subsidies.

**LEG. MYSTAL:**

Just ••

**P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. MYSTAL:**

One minute?

**LEG. CARPENTER:**

Uh•huh.

**LEG. MYSTAL:**

Just as a reminder, I have asked the Department of Public Works to put together a list of priority for the Sewer District, they are in the process of doing that now. I have talked with Commissioner Bartha and I've talked with •• what's the name of that guy?

**P.O. CARACAPPA:**

Ben Wright.

**LEG. MYSTAL:**

That's right, Mr. Wright, and they are in the process of doing that. Please remember that the people in the Southwest District bought a cost of this and right now nobody is thinking about them.

**P.O. CARACAPPA:**

Legislator Carpenter then Crecca.

**LEG. CARPENTER:**

I abstained on this in committee and I would ask that we table this. Just yesterday I was approached by someone who is a person that hauls waste and he began to recount some of the problems that they're encountering at Bergen Point and I •• you know, we literally were passing on the street so I didn't get a chance to have an extended conversation with him and I'm not

available to talk to him today, but it seems that they've been told that capacity is an issue and it's really been a problem. And I know that last year the representatives of that industry came before the Public Works Committee and I was under the impression that things had been worked out and from the little bit of information I got yesterday, that's not the case.

**LEG. BISHOP:**

I think that's ••

**LEG. CARPENTER:**

So I'm going to make a motion to table. We're meeting in ••

**LEG. BISHOP:**

That's scavenger waste, it's a different kind of ••

**LEG. CARPENTER:**

Well, but it's still part of what's happening at Bergen Point.

**LEG. BISHOP:**

I'll second the tabling.

**LEG. CARPENTER:**

So I'd like to table, we meet again in two weeks.

**P.O. CARACAPPA:**

There's a motion and a second to table. On the motion, Legislator Crecca.

**LEG. CRECCA:**

Yeah, I just want to add, I know, Dave, you indicated it doesn't add jobs to Suffolk County, but this company is an expanding company; they're adding 175 employees in the next two years. In addition, they're putting in a new •• and I don't know what it's called, but new computer equipment, and I don't mean like, you know, the big main frame, that's a million and a half dollars in and of itself. You know, and when you're on the 110 corridor, could they go to Nassau County to buy those services and the support services? I guess they could but, you know, they're adding lease space there, there's another lease that expires in two•and•a•half years, they're taking over that space, you know, and expanding the space.

I just think from an economic point of view it's a home run for Suffolk County to get •• I'm not arguing with you, I understand what you're saying, that I don't think people are going to move for the difference in distance, but over time, you know, employees tend to live further east of where they work, in general. And I think that this •• you know, I think it is a benefit to the County. I think the numbers are there and I think this company, it's a growing company, that's the kind of stuff we want to attract here, so.

**LEG. TONNA:**

Just put me on the list.

**LEG. CRECCA:**

And by the way, the hook•up fee, they're paying \$200,000 for a hook•up fee, they're paying \$15 a gallon. I understand your issue, Legislator Mystal, but, you know, I think we have the capacity there and to the extent we don't we will build out, so.

**P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

It seems to me when we have an opportunity for this kind of economic development, we should latch on to it.

**LEG. TONNA:**

Absolutely.

**CHAIRMAN BINDER:**

It said that they're moving just from Plainview to Huntington; well, that's a significant move because that line, it may be imaginary and when you drive over the Nassau Suffolk line you can't see it, but the dollars can see it. This is about where dollars flow. If the company is not here and the company doesn't grow here it will grow somewhere else, it will take on new people somewhere else, it will look for its expansion somewhere else and it won't benefit our economy.

If we're going to be talking about going forward and our concern about taxes and having tax

base, if we're going to actually have those conversations, then it's incumbent upon us to do what we have to do to help particularly large companies like this locate here, this is a clean business, large company, and we have a responsibility to make sure it works here and we should be inviting.

If we start tabling these resolutions and making it impossible or nearly impossible for companies to be here, they will hesitate even starting the process. If we on a regular basis start tabling these and making it hard and dragging it out and we want to look at it, we'll look at it at another meeting and another meeting, what's going to happen is these companies talk to each other, they read what's going on, they hear what's going on and they won't decide to even start the process here. And so I would hope that we're not going to do that, that we're not going to table this, we're going to go forward with this today because this •• if we send this message, understand this message is not just to this company, this message could be beyond this company and the effect on economic development may not stop with this company, it can go to other companies who will decide not to even take the plunge or even start the process and I hope we won't table this.

**P.O. CARACAPPA:**

Legislator Tonna?

**LEG. TONNA:**

Mr. Chairman, yes. I feel like this is twice where I have to agree with Legislator Binder, and I would make a motion after my speech to close this meeting immediately because if it's a third time, a hat trick, I think I would have a heart attack.

**P.O. CARACAPPA:**

I might agree with you on that one.

**LEG. TONNA:**

You know, but the fact is that Legislator Binder is right. And just anybody understands a basic principal of economics is the people in Wyandanch, which I honestly •• and Elie knows this as much as anybody else, my involvement in the Wyandanch community, especially centering around the charities of the Gerald Ryan Outreach Center and Our Lady Miraculous Medal, I'm in that community quite a bit. But the fact is is that there's not going to be any jobs, okay, to generate people to be able to live anywhere on Long Island if we're not able to hook the



business community up to these things. They're paying the money, all right. The 110 corridor, believe it or not, is an economic engine, a very, very important economic engine for our County.

And if we took •• I've been hearing about hooking up Wyandanch to the Southwest Sewer District the day that I knew how to spell Legislators, which was about last week •• no, I'm joking •• for at least twelve years that I've been in the •• eleven, ten and a half years that I've been in the Legislature. Everybody is talking about hooking up Wyandanch to the Southwest Sewer District. The fact is it hasn't happened and every time we make the same argument, we stopped hooking up the mall, you know, all of the businesses in the 110 corridor, we would have less of a property tax, less of a sales tax revenue, less of a base to be able to conduct what we're doing from a County standpoint.

Legislators Bishop, and I would offer this challenge to you. For the man who is so concerned about the taxpayer and so concerned about the issue of having to afford a huge Capital Program, I would suggest to you that one of the ways to make sure that our tax burden is to a minimum is to make sure that we encourage business growth in Suffolk County. If it's not going to be there they're going to go to another County, they're going to go somewhere else. Sewer district hook•ups is vital for economic growth and development. And if a vote against •• a vote against this is a vote against •• yeah, it's a vote against our school district taxes, it's relief, it's a vote against tax relief for other people, it's a vote against jobs in Suffolk County, it's a vote against a lot of different things that drive the engine for whether it be people in Wyandanch, Huntington or anywhere else to have a job.

**P.O. CARACAPPA:**

Thank you.

**LEG. VILORIA•FISHER:**

Mr. Chair?

**P.O. CARACAPPA:**

Were you done? I'm sorry. Legislators Alden, then Legislators Viloria•Fisher.

**LEG. ALDEN:**

There's possibly a simple solution to this and it's been looked at by the Sewer Agency, to create a processing plant that would just deal with the 110 corridor.

**LEG. BISHOP:**

Right.

**LEG. ALDEN:**

Because the question here is not whether these are good ideas to have sewers but the question is whether the Southwest Sewer District is overloading in its capacity and the gallonage that's already been promised for other projects that are in the works and actually under construction.

**LEG. BISHOP:**

In West Hills.

**LEG. CARPENTER:**

There you go.

**LEG. ALDEN:**

So there's a solution to it, build a sewage treatment plant right there on 110.

**P.O. CARACAPPA:**

Legislator Viloría•Fisher.

**LEG. TONNA:**

Yeah, but in the meantime people need to work and people need to have viable businesses.

**P.O. CARACAPPA:**

Let's get through this, please. Legislator Viloría•Fisher; is there anything more to say?

**LEG. VILORIA•FISHER:**

Well, yes, there was ••

**LEG. TONNA:**

I think there's one in Lindenhurst, West Babylon.

**LEG. VILORIA • FISHER:**

•• some reverse logic in what Mr. Tonna said and it has to be addressed. If we had for many years, I think for the past 15 years, said let's take care of Wyandanch even if it's a poor district, if we as a Legislature made that a policy statement then we would have •• and said we won't vote for any other hook•ups until Wyandanch is hooked up the way it was promised, then it would have been hooked up. And I think we've reached the point where we have to say ••

**LEG. TONNA:**

No.

**LEG. VILORIA • FISHER:**

And when you talk about tax relief, Paul, you're shaking your head, but when we look at school districts, there are some school districts that get a great deal of tax relief because they have a number of commercial properties in their school district; Wyandanch is not one of those school districts.

**LEG. TONNA:**

Right.

**LEG. VILORIA • FISHER:**

Okay? We have to start taking care of all of Long Island and not just pockets of it.

**LEG. TONNA:**

Yeah, but it's the people of Wyandanch are employed in the 110 •• 20% of all the economy of Suffolk County is from the 110 corridor, it's bigger than the Silicon Valley.

**LEG. VILORIA • FISHER:**

It doesn't mean that we have to forget about the people who live in Wyandanch.

**LEG. TONNA:**

We're not forgetting about them, we're not, we're giving them an opportunity to pay their taxes and their houses and everything else.

**P.O. CARACAPPA:**

There's a motion and a second to table.

**LEG. TONNA:**

That's a job •• this is what does it, not sewer.

**P.O. CARACAPPA:**

There's a motion and a second to table. All in favor? Opposed?

**LEG. FOLEY:**

Opposed.

**LEG. MONTANO:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Foley, Legislator Lindsay, Montano ••

**LEG. TONNA:**

Oh, opposed to tabling?

**P.O. CARACAPPA:**

Yeah.

**LEG. TONNA:**

Absolutely. Roll call.

**P.O. CARACAPPA:**

Roll call.

**LEG. BISHOP:**

On the motion. I just ••

**P.O. CARACAPPA:**

This is on the motion to table.

**LEG. BISHOP:**

I thought I was on the list and I just wanted to make a point.

**LEG. MONTANO:**

This is to table, right?

**P.O. CARACAPPA:**

This is on the motion to table. Legislator Bishop, is it vitally necessary?

**LEG. BISHOP:**

Well, yeah, just ••

**LEG. TONNA:**

Yeah, get some wiggle room so you can vote for it.

**LEG. BISHOP:**

•• for the infamous record.

**P.O. CARACAPPA:**

Go ahead.

**LEG. BISHOP:**

When I made my comments about moving jobs from Plainview to Huntington, I was not aware that there was an expansion in the plans and the expansion does mean jobs for Long Island, which is great. The only problem I foresee is that there continues to be no check to ensure that it actually occurs. So these companies can promise that they're going to expand and create jobs, but do we have any mechanism to ensure that it actually happens?

**LEG. BINDER:**

We have a track record.

**LEG. TONNA:**

Yeah, absolutely.

**P.O. CARACAPPA:**

Mr. Clerk? On tabling.

***(\*Roll Called by Mr. Barton • Clerk\*)***

**LEG. CARPENTER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. COOPER:**

No to table.

**LEG. TONNA:**

No..

**LEG. BINDER:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

This is to table?

**MR. BARTON:**

Yes.

**LEG. CRECCA:**

No to table.

**LEG. ALDEN:**

Yes to table.

**LEG. MONTANO:**

Yes to table.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

No.

**LEG. LOSQUADRO:**

No to table.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. O'LEARY:**

No.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. CARACCILO:**

Yes.

**P.O. CARACAPPA:**

No.

**LEG. BINDER:**

Eight.

**P.O. CARACAPPA:**

Tabling fails.

There is a motion and a second to approve.

**LEG. TONNA:**

Motion. Who made the motion?

**P.O. CARACAPPA:**

Motion by Legislator Tonna, second by Legislator Crecca, or whatever you had already, Henry.

**LEG. TONNA:**

I'll take it, it's in my district, I'll take the motion.

**LEG. O'LEARY:**

I made the motion to approve.

**P.O. CARACAPPA:**

All in favor? Opposed?

**LEG. VILORIA • FISHER:**

Opposed.

**LEG. MYSTAL:**

No.

**LEG. CRECCA:**

Roll call.

**LEG. O'LEARY:**

Yes.

**LEG. CRECCA:**

Yes.



**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

No.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. ALDEN:**

Nope.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

14•4 (Opposed: Legislators Mystal, Alden, Montano & Vilorio•Fisher).

**LEG. TONNA:**

Thank you very much.

**P.O. CARACAPPA:**

Hold on to your hats.

**LEG. TONNA:**

I'd be glad to work with you, Elie, on anything with hooking up the Wyandanch community, believe me.

**P.O. CARACAPPA:**

Okay, you ready? Hold on to your hats because here we go.

***1462•04 • Appointing member to the Suffolk County transportation Advisory Board (Stephen E. Nelson) (Foley).*** Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1531•04, 1531A • Appropriating funds in connection with the elevator safety upgrading at various County facilities (CP 1760) (Presiding Officer at the Request of the County Executive).*** Motion by Legislator O'Leary, second by Legislator Foley. Roll call on the bond.

***(\*Roll Called by Mr. Barton • Clerk\*)***

**LEG. O'LEARY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILOLO:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion same second, same vote on the companion resolution.

***1532, 32A (Appropriating funds in connection with intersection improvements on CR 100, Suffolk Avenue and Brentwood Road/Washington Avenue, Town of Islip (CP 5065).*** Motion by Legislator Montano, second by Legislator Mystal. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. MONTANO:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. COOPER:**

Yep.

**LEG. TONNA:**

Yeah.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

***1533, 33A (Appropriating funds in connection with the rehabilitation of CR 51, Moriches Riverhead Road, Town of Southampton).*** Motion by Legislator Schneiderman, second by Legislator O'Leary. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

***1544, 44A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with strengthening and improving County roads (CP 5014)).*** Motion by



Legislator Foley, second by Legislator O'Leary. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. ***1545, 45A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with reconstruction of culverts (CP 5371).*** Motion by Legislator O'Leary, second by Legislator Losquadro. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. O'LEARY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. VILORIA•FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

***1549, 49A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with energy conservation at various County buildings (CP 1664).*** Motion by Legislator Viloría•Fisher, second by Legislator Bishop. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. VILORIA•FISHER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILOLO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. ***1554 (Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Public Works for "Stormwater Remediation on Carlls River at Phelps Lane")***. Motion to recommit by myself, second by Legislator Crecca.

**LEG. BISHOP:**

On the motion. May I suggest that you recommit it, but not to the same committee. Send it to Finance with the other ones. Well, it just makes no •• then just table it here.

**LEG. CRECCA:**

It's got to go to Budget.

**LEG. BISHOP:**

It would make no sense to have the discussion in the two committees, so why don't we charge

the Finance Committee with this •• finding out what the status of the funds is ••

**P.O. CARACAPPA:**

I'll make a motion ••

**LEG. BISHOP:**

•• and leave the bill here.

**P.O. CARACAPPA:**

Motion to table, second by Legislator Crecca.

**LEG. CRECCA:**

No, I won't second that motion.

**LEG. VILORIA • FISHER:**

Mr. Chair.

**LEG. CRECCA:**

If I'm going to consider this, then what's the problem with all of them going back? Why should this one be different from the other ones?

**LEG. BISHOP:**

I want to send them to your committee. This isn't ••

**LEG. CRECCA:**

It is going to my committee.

**LEG. BISHOP:**

No.

**P.O. CARACAPPA:**

No.

**LEG. BISHOP:**

It would go to Environment.

**P.O. CARACAPPA:**

It would go to environment.

**LEG. BISHOP:**

So, you'd have to have ••

**LEG. CRECCA:**

I apologize, I'm sorry, I didn't realize.

**LEG. BISHOP:**

So, table this here is what I'm saying.

**LEG. ALDEN:**

It could be reassigned. Send it back and ••

**P.O. CARACAPPA:**

We don't need to do that.

**LEG. CRECCA:**

This should have never •• but this has got to go to Budget. It's amending the two thousand and •• oh, yeah, it's amending the Operating Budget.

**LEG. MYSTAL:**

It could be reassigned, folks.

**LEG. BISHOP:**

Can it?

**D.P.O. CARPENTER:**

A motion to recommit ••

**LEG. CRECCA:**



No, a motion to ••

**D.P.O. CARPENTER:**

•• and assign it to Budget and Finance.

**LEG. CRECCA:**

Yeah, right.

**LEG. BISHOP:**

Yeah, I think that's the proper motion.

**P.O. CARACAPPA:**

I'm going to make a motion to recommit this bill to Budget and Finance.

**LEG. BISHOP:**

Yes.

**P.O. CARACAPPA:**

It's that simple.

**LEG. BISHOP:**

Second.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**WAYS & MEANS AND CONSUMER PROTECTION**

**P.O. CARACAPPA:**

Ways and Means. ***1348 (A Local Law to amend Local Law No. 5 • 1993, to prohibit the County of Suffolk from contracting with corporations that reincorporate overseas).***

Motion by Legislator Vilorio•Fisher.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Opposition, Legislator Binder.

**P.O. CARACAPPA:**

1358.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

***(1358 • A Local Law to amend Local Law No. 22 • 1999, to license and regulate dry cleaning establishments).*** Motion by Legislator Cooper, second by myself. All in favor? Opposed? Abstentions? 1385.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***(1385 • A Local Law to authorize the implementation of subscription service fee schedule for the Suffolk County Clerk's on-line records system).*** Motion by myself, second by Legislator O'Leary. All in favor? Opposed?

***[Opposed Said in Unison by Legislator]***

Opposed, Legislator Montano, Lindsay, Foley, Vilorio•Fisher, Bishop, Mystal, and Cooper.

**MR. BARTON:**

11•7.

**P.O. CARACAPPA:**

Approved. ***1401 (A Local Law to amend certain occupational license laws to increase maximum allowable fines).*** Motion by Legislator Cooper, second by Legislator Alden?

**LEG. ALDEN:**

Yep.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Binder.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

***1515 (To establish a web page to solicit contributions to implement Suffolk's Campaign Finance Reform Program).*** Motion by Legislator Nowick, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1522 (Increasing number of prescription drugs in County Prescription Drug Cost***

**Comparison Program).** Motion by myself, second by Legislator Vilorio•Fisher. All in favor?  
Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1530 (Authorizing the County Executive to amend a lease with KGM Realty Group to permit the Long Island Grower's Market to operate a Farmer's Market and other programs, designed to promote the health of residents of Suffolk County, at the South Brookhaven • West Health Center, Patchogue, NY).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley, second by Legislator Caracciolo. All in favor? Opposed?  
Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1539, 39A (Amending the 2004 Operating Budget and appropriating funds in connection with bonding settlements for medical malpractice cases).*** Motion by  
Legislator Binder, second by Legislator O'Leary. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. BINDER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yes. I'm sorry.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yeah.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

**LEG. ALDEN:**

Just a note on that. That's only for things that we've approved the settlements on, and there's still millions in the pipeline as far as that we'll be looking at.

**P.O. CARACAPPA:**

***1566 (Amending Local Law No. 20•2002 to provide accurate and truthful filing responsibility for County Election Campaign Finances).*** Motion by Legislator Binder, second by myself. All in favor?

**D.P.O. CARPENTER:**

Explanation.

**LEG. MONTANO:**

Explanation.

**P.O. CARACAPPA:**

This is ••

**LEG. COOPER:**

Opposed.

**P.O. CARACAPPA:**

This is the Campaign Finance Bill that Binder had originally had approved and then vetoed, but there's a change. Legislator Binder.

**LEG. BINDER:**

The one change is there was an objection in the question of whether we had the authority to tell the Board of Elections that they had to post it. So, now I took that section out, so we're not directing them to do anything, because they have in the interim caused there to be a resolution between the Republican and Democratic Commissioners, which would be very hard to change, because both would have to change it. They will be posting. They will be, as we as candidates, when the candidates send over their information, will send it immediately to the Campaign Finance Board, so they can still get their information immediately, but you only have to post in one place. That's all this is about is lowering the •• cutting the number.

Now, let me just add one more thing. The County Attorney came up and said before that there was a concern about the legality of us, because there's a preemption, that we can't say where you have to file. But I've never heard them say that it was illegal for us, or we were preempted, some saying we have to file at the Board of •• of the Campaign Finance Board, yet here where •• she's saying that we're preempted in filing with the Board of Elections. It seems to me just a ruse.

The bottom line is this isn't reform. Reform's a system to file in one place the proper place, Board of Elections, where we're doing it, so it's not confusing. The Campaign Finance Board will get the information immediately upon it coming to BOE. So, I would hope we'll reform the system. Unfortunately, so far, the County Executive's been against reform here.

**LEG. COOPER:**

Mr. Chairman.

**D.P.O. CARPENTER:**

Can I just say something?

**P.O. CARACAPPA:**

Legislator •• Legislator Cooper, then Carpenter.

**LEG. COOPER:**

I think this is the third or fourth we've had this argument, so I'm not going to go into all the details again, but ••

***(Legislator Crecca Applauded)***

Thank you. Thank you very much. But Legislator Binder makes it •• tries to make it appear that it's so onerous to file a second time. Remind you, this is electronic filing. If any of you have used the internet, sent an E•mail, you address it to one address, whether it's BOE or the Campaign Finance Board, and you send a CC to the other address. It's a second click of the button, that's all we're talking here.

**LEG. TONNA:**

Let me try that and just see how fast it is.

**LEG. COOPER:**

You go ahead. They're •• all the other ••

**LEG. TONNA:**

Sent.

**LEG. COOPER:**

•• rationales against this, I don't want to go into it again. We're rehashing the same arguments over and over. Thank you.

**P.O. CARACAPPA:**

Thank you. Legislator Carpenter.



**D.P.O. CARPENTER:**

I just want to commend Legislator Binder, because I have to say that I disagree with you, Legislator Cooper, but I think that when people talk about Campaign Finance Reform and they're talking about leveling the playing field for challengers, I think that logically people know to go to the Board of Elections. People really don't know about the Campaign Finance Board. So, I think this makes sense, and the fact that the information is going to go to the Campaign Finance Board should really give everyone a comfort level. It just is a lot easier.

**P.O. CARACAPPA:**

There is a motion and second. Everyone knows how I feel on this. All in favor? Opposed?

***[Opposed Said in Unison by Legislators]***

Opposed, here we go.

**LEG. CARACCILO:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**LEG. BINDER:**

Who's against reform?

**(Roll Called by Mr. Barton, Clerk).**

**LEG. BINDER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. COOPER:**

No.

**LEG. TONNA:**

No. I feel much better now, I'm disagreeing with Binder.

**LEG. MYSTAL:**

No.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

No.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**MR. BARTON:**

11.

**P.O. CARACAPPA:**

It passes. How about that?

**SENSE RESOLUTIONS**

**P.O. CARACAPPA:**

Senses quickly. ***Sense 35 (Memorializing resolution requesting Secretary of the United States Department of Health and Human Services to review and restructure the local funding of Medicaid).*** Motion by Legislator Caracciolo, second by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***41 (Memorializing resolution in support of New York State legislation expanding the "Bottle Bill").*** Motion by Legislator Losquadro, second by Legislator Foley. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Cosponsor, please.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 43 (Sense resolution in support of eliminating the sunset provisions of the Local Government Records Management Improvement Fund (LGRMIF) and the Cultural Education Fund (CEF).*** Motion by Legislator Nowick, second by myself. All in favor? Opposed? Abstentions? 44.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***(44 Sense of the Suffolk County Legislature in support of a bill before the New York State Senate and Assembly known as the "Public Authority Reform Act of 2004").***

**LEG. BISHOP:**

Could you just read the title?

**P.O. CARACAPPA:**

Motion by Legislator Lindsay. You want me to read the Sense titles?

**LEG. BISHOP:**

Just the titles.

**P.O. CARACAPPA:**

Sense of the Suffolk County Legislature to support a bill before New York State Senate and Assembly known as a Public Authority Reform Act.

***["No" Said in Unison by Legislators]***

All in favor? Motion by Legislator Lindsay, second by Legislator Montano. All in favor? Opposed? Abstentions? ***45 (Memorializing resolution requesting State of New York to***

***reimburse Suffolk County for police patrol costs on the Long Island Expressway and Sunrise Highway to promote community policing efforts in Suffolk County).*** Sorry, Dave.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Motion by Legislator Cooper, second by Legislator Bishop. All in favor? Opposed? Abstentions?

**LEG. CARACCIOLO:**

Cosponsor.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***46 (Memorializing resolution in support of pending New York State legislation strengthening the insurance standards for the Early Intervention Program).*** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions? **(Vote: 18)**

***47 (Memorializing resolution in support of New York State legislation to regulate solid waste management facilities).*** Motion by Legislator Foley, second by Legislator ••

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**48 (Sense of the Legislature resolution requesting tat New York State enact legislation to further protect victims of domestic violence).** Motion by myself, second by Legislator Montano. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**49 (Sense of the legislature resolution requesting New York State to enact Zero Tolerance Law for certain traffic offenses committed by inexperienced drivers).** Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**LEG. BISHOP:**

I'll abstain on 49.

**P.O. CARACAPPA:**

Going after crazy young drivers.

**LEG. BISHOP:**

One ticket and you lose your license.

**P.O. CARACAPPA:**

No. It's excessive speeding. We're losing too many kids.

**Sense 50 (Sense of the Legislature resolution in support of increasing fines for traffic violations in a school zone).** Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Veto.

**LEG. MYSTAL:**

Veto.

**P.O. CARACAPPA:**

Veto.

**LEG. CRECCA:**

Veto here?

**P.O. CARACAPPA:**

Let me get mine out of the way.

**LEG. CRECCA:**

Okay.

**P.O. CARACAPPA:**

I'd like a motion •• I'll make a motion to override veto on **Resolution Number 517. This is establishing land development policy for affordable housing in Suffolk County.** Is there a second?

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. Roll call on the override.

**(Roll Called by Mr. Barton, Clerk)**

**P.O. CARACAPPA:**

Yes to override.

**LEG. O'LEARY:**

Yes to override.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

Yes to override.

**LEG. BINDER:**

No to override.

**LEG. MYSTAL:**

Pass for now. I can't find it.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes to override.

**LEG. CRECCA:**

Pass.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

No.



**LEG. LOSQUADRO:**

Yes to override.

**LEG. VILORIA • FISHER:**

Nope.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. CARACCILO:**

Pass.

**D.P.O. CARPENTER:**

Yes.

**LEG. COOPER:**

No to override.

**LEG. MYSTAL:**

No.

**LEG. CRECCA:**

Pass.

**MR. BARTON:**

Not again.

**LEG. CRECCA:**

I'm just kidding. No to override.

**LEG. SCHNEIDERMAN:**

Yes to override.

**LEG. CARACCILO:**

No to override.

**MR. BARTON:**

Eight.

**P.O. CARACAPPA:**

It fails.

**LEG. BISHOP:**

Mr. Chairman, could I just say something on the record on that one, because ••

**P.O. CARACAPPA:**

Legislator Bishop, go right ahead.

**D.P.O. CARPENTER:**

Henry, change my vote to a no.

**LEG. BISHOP:**

I like that bill, and I think it's a good idea, and I commend you for sponsoring it. I was convinced by the County Executive that it's illegal. However, isn't this something where we can spend our 456 Account to get some sort of opinion, research, or even have our Counsel write us a memo. I'm just ••

**P.O. CARACAPPA:**

Well, we have a whole slew of County Attorneys ••

**LEG. BISHOP:**

I hope this is not the end of it.

**P.O. CARACAPPA:**

•• and I was hoping that they'd go into court on this one, but that's not the case.

**LEG. BISHOP:**

But they're not.

**P.O. CARACAPPA:**

I know.

**LEG. BISHOP:**

They're taking the opposite opinion and I, you know ••

**P.O. CARACAPPA:**

I'd really would have liked to have the weight of this entire County government behind this one, because I think that's what we would need to be successful. Obviously, that's not the case. I wish I had the support of this Legislature. I did originally, but the County Executive made a compelling argument on those who changed their vote. But I do appreciate what you've said, and I'm not going to give up on this. I'm going to ••

**LEG. BISHOP:**

Good.

**P.O. CARACAPPA:**

•• explore it further, and I'll take your suggestion and maybe take that even further.

**LEG. BISHOP:**

Thank you. I think most of us are very sympathetic, very sympathetic.

**P.O. CARACAPPA:**

We're all trying. That's all I could say, we're all trying. What's the next one? Anyone want to make a motion? Legislator Crecca.

**LEG. CRECCA:**

Yeah, motion to override. I don't have the resolution.

**P.O. CARACAPPA:**

Motion to override ***Resolution 476 (A resolution authorizing the issuance of \$200,000 serial bonds of the County of Suffolk, New York, to pay the cost of the planning for the renovation, improvement and expansion of the Cohalan Court Complex)***, appropriating

funds for planning and renovation improvements to the Cohalan Court Complex. This is for the study for Cohalan. Motion by Legislator Crecca, second by myself. Roll call on the override.

**LEG. CRECCA:**

Can I just, before we take the roll call, can I just •• I'll keep it to two sentences.

**P.O. CARACAPPA:**

Go ahead.

**LEG. CRECCA:**

Just the veto message talks about this being to build new courtrooms. The resolution's very clear, it's a study and only a study, and the study is for the security area. The same stuff we said last time, guys, not for new court rooms, and it doesn't commit us to anything.

**P.O. CARACAPPA:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CRECCA:**

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

Pass.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Pass. I'm waiting.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes to override.

**LEG. VILORIA • FISHER:**

No.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Pass.

**D.P.O. CARPENTER:**

Yes.

**LEG. COOPER:**

No.

**LEG. TONNA:**

No.

**LEG. MYSTAL:**

No.

**LEG. CARACCILO:**

No.

**MR. BARTON:**

11.

**LEG. MYSTAL:**

Change my vote to a yes.

**LEG. CRECCA:**

Thank you, Elie.

**P.O. CARACAPPA:**

It was a yes.

**MR. BARTON:**

Changed his vote, 12.

**D.P.O. CARPENTER:**

Motion to override 528. That was the ••

**MR. BARTON:**

12. It was overridden.

**P.O. CARACAPPA:**

It was overridden, the last one. Which one, Legislator Carpenter?

**D.P.O. CARPENTER:**

528, the dredging resolution, where we're ••

**P.O. CARACAPPA:**

There's a motion.

**D.P.O. CARPENTER:**

•• just setting policy and moving that money to ••

**P.O. CARACAPPA:**

There's a motion to override **528 (Transferring funds appropriated in connection with the dredging of Moriches Inlet for Smith Point Park Beach replenishment (CP 5370) to dredging of County waters (CP 5200)**, by Legislator Carpenter, second by Legislator O'Leary.

**LEG. CARACCILO:**

Explanation.

**LEG. LINDSAY:**

Yeah.

**D.P.O. CARPENTER:**

This money was in for the dredging of Moriches Inlet and they didn't need that. So, rather than just let it go back into the General Fund, we passed a resolution to keep it in general dredging, because there are so many dredging projects County•wide that need to be done.

**LEG. VILORIA•FISHER:**

Question for Counsel or for Budget Review. It was presented to us by the County Executive in the veto message that you can't take a budget item from the previous year as an offset. It's a very confusing issue, but he said you can't •• Jim?

**D.P.O. CARPENTER:**

Budget Review.

**MR. SPERO:**

Capital appropriations don't lapse.

**D.P.O. CARPENTER:**

Right.

**MR. SPERO:**

So, in this case, the appropriation was created pursuant to the section of the Charter cited by the County Executive.

**D.P.O. CARPENTER:**

They'll learn that over there.

**MR. SPERO:**

The funds were never expended. No bonds were issued against those appropriations or to fund •• or to fund the project. So, in our opinion, you don't need to amend the Capital Budget a second time just to merely transfer the authorization for another purpose.

**P.O. CARACAPPA:**

Motion and a second. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARPENTER:**

Yes.

**LEG. O'LEARY:**

Yes.



**LEG. COOPER:**

Pass.

**LEG. TONNA:**

Pass.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

What number are we on?

**LEG. COOPER:**

The dredge?

**LEG. COOPER:**

Yeah, dredging.

**MR. BARTON:**

528, 1382.

**LEG. BISHOP:**

This one is interesting, because I don't understand it. Can I go on the motion? I didn't know we were calling the vote.

**LEG. TONNA:**

No, no, no, no.

**MR. BARTON:**

Bishop.

**LEG. TONNA:**

We're in the middle of a roll call.

**LEG. MYSTAL:**

Pass.

**MR. BARTON:**

Bishop.

**LEG. BISHOP:**

I have a question and I want to vote for it, but I can't answer ••

**LEG. TONNA:**

You can't, you just have to abstain then.

**LEG. BISHOP:**

I have to vote no, because I ••

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes to override.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

No to override.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. COOPER:**

No to override.

**LEG. TONNA:**

Yes.

**LEG. MYSTAL:**

No.

**MR. BARTON:**

Thirteen.

**LEG. BISHOP:**

May I ask ••

**P.O. CARACAPPA:**

528 is overridden.

**LEG. BISHOP:**

May I ask my question after the fact?

**P.O. CARACAPPA:**

If you want to waste our time.

**LEG. BISHOP:**

I don't think it's a waste of time, because I think it's an important issue.

**P.O. CARACAPPA:**

No, I'm kidding. I'm kidding.

**LEG. BISHOP:**

What Legislator Carpenter sought to do was spend money in '04 ••

**P.O. CARACAPPA:**

That question was ••

**LEG. BISHOP:**

•• as an offset from a prior year.

**P.O. CARACAPPA:**

That question was asked by Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Actually, I asked that question.

**LEG. BISHOP:**

And what was their answer?

**P.O. CARACAPPA:**

Budget Review was ••

**LEG. VILORIA•FISHER:**

What Budget Review said was that the money was •• had not been appropriated, that it was in the Capital Budget.

**P.O. CARACAPPA:**

It was appropriated. All you had to do was do the transfer.

**LEG. BISHOP:**

It's appropriated, but not spent, right?

**MR. SPERO:**

Yeah. The capital appropriations don't lapse, so we don't believe you need to amend the Capital Budget a second time in order to effectively transfer the appropriations for another purpose.

**P.O. CARACAPPA:**

Transfer the appropriations.

**LEG. BISHOP:**

Right. Can I just ask one follow-up, is do we have access to bond counsel? I mean, that's •• I think that's great, because that's a great way to knock out a lot of authorized unissued debt.

**P.O. CARACAPPA:**

Unissued debt.

**LEG. BISHOP:**

And it would be a very positive thing if we could do that.

**P.O. CARACAPPA:**

That's a good idea.

**LEG. BISHOP:**

So, can we get a bond counsel opinion, or a question from Counsel to bond counsel?

**P.O. CARACAPPA:**

We should review all those old projects.

**LEG. BISHOP:**

Right.

**P.O. CARACAPPA:**

Okay. Good question. There's a motion to override **474** by Legislator Nowick, second by myself.

**LEG. CARACCIOLO:**

Explanation.

**LEG. NOWICK:**

On the motion.

**P.O. CARACAPPA:**

On the motion.

**LEG. NOWICK:**

On the motion. I have to make a speech, because I can't get Dave Bishop's attention, so I'm going to tell you. Campaign finance, as you know, has been an issue for many years. The public has overwhelmingly supported the concept of campaign finance.

**P.O. CARACAPPA:**

Voluntary.

**LEG. NOWICK:**

Voluntary. We simply disagree at times on how to fund this program. Currently, the mechanism in place is costing five times the amount it brings to the fund. While the fund was estimated to need over 2 million dollars to be operational, it has netted \$36,000. The cost to the taxpayers of 36,000 •• the cost to the taxpayers has netted 36,000 and it's cost us almost 200,000. If we continue the program, we're going to be talking about almost a quarter of a million dollars.

This aspect simply does not work and it is a burden on the taxpayers, it's a burden on the towns, it's a burden on all of us. We ask for donations when people pay their tax bills. We ask

for donations at Christmastime. I don't know anybody that puts politicians on their Christmas list, and that's what we're asking them to do. It is not working, it is not hitting the entire public.

I am not seeking to end the Campaign Finance Fund, but, rather, I seek to alleviate additional cost burdens on the taxpayers. I ask for your support in amending this program, not ending it. A vote to override the veto of the County Executive is not to eviscerate the Campaign Finance Reform, as stated by Mr. Levy, but, rather, to eradicate a waste of taxpayers' money to a program which simply is not functioning as intended.

**LEG. BISHOP:**

You use big words in this speech.

**LEG. NOWICK:**

The expressed will of the electorate •• I'm telling you, I want your vote.

**LEG. LOSQUADRO:**

Mr. Chairman.

**LEG. TONNA:**

Weight, somebody is talking.

**P.O. CARACAPPA:**

There's a list. There's a list.

**LEG. NOWICK:**

The will of the electorate is that we spend their money wisely. We are not. This is simply a waste of time. We have other ways to collect voluntary contributions.

**LEG. CRECCA:**

Cameron and I are against evisceration, I just want you to know that.

**LEG. ALDEN:**

Oh, absolutely. It scares me.

**LEG. NOWICK:**

That is the County Executive's word.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. CRECCA:**

We're not sure what it is, but whatever it is, we're against it.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. CRECCA:**

We are out of order.

**LEG. VILORIA • FISHER:**

The word is eviscerate.

**LEG. TONNA:**

But that's before a vasectomy.

**P.O. CARACAPPA:**

Sounds like the old D'Andre chemical castration bill.

**LEG. COOPER:**

Cosponsor.

**LEG. TONNA:**

You go, girl.

**LEG. MYSTAL:**

Is that me you're talking to?

**LEG. TONNA:**



You go, girl.

**LEG. MYSTAL:**

Oh, thank you.

**P.O. CARACAPPA:**

Yeah, remember that bill, the chemical castration bill?

**LEG. MYSTAL:**

Thank you.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

Yeah. I just •• I happen to agree where what Legislator Nowick said, because I have talked with my town and it's costing my town a lot of money.

**LEG. NOWICK:**

I know.

**LEG. MYSTAL:**

And we've raised absolutely •• I think we raised about \$150 in the whole damn town. It is •• it is absolutely ridiculous to put this envelope in there, and it costs my town money and we don't get any money out of it. I would rather have the town give us the money that they spent on doing the envelope for the campaign finance and we would have some money.

**P.O. CARACAPPA:**

Yeah.

**LEG. MYSTAL:**

So, I am voting for this.

**P.O. CARACAPPA:**

It might pay for the program.

**LEG. MYSTAL:**

Bye.

**P.O. CARACAPPA:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I mean, I just •• I hate to state the obvious here, but I was just speaking to Legislator Foley and I pointed out my ••

**P.O. CARACAPPA:**

We're almost done, come on.

**LEG. LOSQUADRO:**

My tax bill, like many other people's, I just get my receipt. It goes to the mortgage company.

**P.O. CARACAPPA:**

Yep, I don't either.

**LEG. LOSQUADRO:**

I never even see this.

**P.O. CARACAPPA:**

Me neither.

**LEG. LOSQUADRO:**

So, this is a waste of money.

**LEG. NOWICK:**

Yes, you do. It comes in your statement in January, which costs even more money.

**LEG. TONNA:**

But probably somebody else is paying your bills, I can see that.

**P.O. CARACAPPA:**

There's a motion and a second to override. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. NOWICK:**

Yes to override.

**P.O. CARACAPPA:**

Yep.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Only because of that speech, yes.

**LEG. CRECCA:**

Yes to override.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

You're all pulling a sneak attack on Phil Goldstein, because he wasn't here today.

**LEG. SCHNEIDERMAN:**

Wait, here he comes.

**LEG. TONNA:**

You've got to read more speeches.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**LEG. COOPER:**

Yes, yes.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

Overridden.

**LEG. BINDER:**

What happened to 526?

**P.O. CARACAPPA:**

526, I believe •• didn't we do that?

**LEG. LINDSAY:**

No.

**P.O. CARACAPPA:**

Which one is 526?

**LEG. BINDER:**

Noise abatement.

**P.O. CARACAPPA:**

We did that earlier in the day.

**LEG. TONNA:**

We're done, right?

**P.O. CARACAPPA:**

CN's, CN's. **1011, which is implementing Brownfield Policy for Poulos Property in Eastport.** This is a motion by Legislator Caracciolo, second by Legislator Schneiderman. All in

favor? Opposed? Abstentions?

**LEG. VILORIA • FISHER:**

Wait a minute. Wait a minute.

**P.O. CARACAPPA:**

This is brownfield. I'll wait.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Yeah. This resolution has been around for at least one, if not two years, and in the past it was withdrawn. There were a number of issues, I believe, in the past that had to be addressed, and are we to believe that concerns, the environmental concerns have all been met since it was reported out of the Environmental Committee and they're ready to move forward with this?

**P.O. CARACAPPA:**

I would assume ••

**LEG. CARACCILO:**

Yes.

**P.O. CARACAPPA:**

•• seeing it's a CN.

**LEG. FOLEY:**

I guess so. Okay.

**P.O. CARACAPPA:**

Okay?

**LEG. FOLEY:**

All right.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1356 • To amend Resolution Number 74, authorizing use of old toll building at Smith Point Bridge.** Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**CN on 1641 • Amending the Suffolk County Temporary Classification and Salary Plan in the Department of Parks, Recreation and Conservation.** Motion by Legislator Montano, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Sense •• ***CN on 1642 (Accepting and appropriating 100% Federal Grant Funds from the New York State Department of Health to the Suffolk County Department of Health Services, Division of Environmental Quality for a beach monitoring and notification program and to create two new positions.)***, accepting federal grant monies, environmental quality and beach monitoring and notification program to create two new positions. Motion by Legislator Carpenter, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1418, 1418 A and B.** Yeah, it's •• this is pretty much conflicted out from what we already did, but we'll take a vote on it anyway.

**LEG. CARACCILO:**

Explanation.

**P.O. CARACAPPA:**

This is •• this is ••

**LEG. VILORIA • FISHER:**

The County Center.

**P.O. CARACAPPA:**

This is 11 million for the County Center with the hopes ••

**D.P.O. CARPENTER:**

The 11 million dollar roof.

**P.O. CARACAPPA:**

With the hopes of getting Wicks repealed on the jail and ••

**LEG. CARACCILO:**

This is what Ben Zwirn was talking about?

**P.O. CARACAPPA:**

Yeah, yeah, yeah. There's a motion. Is there a motion?

**D.P.O. CARPENTER:**

But why would •• why would we act on this, because we've already included ••

**P.O. CARACAPPA:**



Yeah, it conflicts out.

**D.P.O. CARPENTER:**

•• Riverhead in 1561.

**LEG. MYSTAL:**

Mr. Chair, didn't we already ••

**LEG. TONNA:**

In the hopes of getting the Wicks Law repealed?

**D.P.O. CARPENTER:**

Yeah. Can you believe it?

**LEG. MYSTAL:**

Didn't we already vote?

**P.O. CARACAPPA:**

Yeah. This conflicts. This conflicts with what we've done earlier.

**LEG. TONNA:**

Yeah, so we should vote against it.

**D.P.O. CARPENTER:**

We should not address it.

**P.O. CARACAPPA:**

I was just going to say, "Is there a motion," and no one make a motion.

**LEG. TONNA:**

Nobody make a motion.

**P.O. CARACAPPA:**

Is there a motion? Fails for lack of a motion.

**LEG. MYSTAL:**

I make the motion, but ••

**LEG. TONNA:**

Great.

**P.O. CARACAPPA:**

If fails for lack of ••

**LEG. MYSTAL:**

I'll make the motion. You second the motion? You get a vote, or no?

**LEG. TONNA:**

Waive the Wicks Law.

**P.O. CARACAPPA**

No, no, it doesn't ••

**LEG. MYSTAL:**

Forget it.

**P.O. CARACAPPA:**

It fails for lack of a motion. Okay, that's it. Late•starters. I'll make a motion. Oh, where is yours, Jay? I didn't see Gabreski.

**MS. JULIUS:**

It's here, 1560.

**P.O. CARACAPPA:**

I make a motion to •• I'll make •• motion by Legislator Schneiderman, second by Legislator Caracciolo, to amend the CN for it to read "Introduced by Legislator Jay Schneiderman".

**LEG. CARACCIOLO:**

Cosponsor, Henry.

**MS. SULLIVAN:**

It's done already.

**P.O. CARACAPPA:**

It's done. There's a motion to approve as amended by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Late•starters. I am going to make a motion to waive the rules and lay on the table Resolution Number 1636, which goes to Parks, 1637, and set the public hearing for 2:30 at •• on June 22nd in Riverhead. This will go to Health and Human Services. 1638 will go to Ways and Means. 1639 will go to Public Safety. 1640, to go to Ways and Means. 1643, to Ways and Means. 1644, to Economic Development. 55, to Ways and Means, Sense 55. Sense 56, to Ways and Means. Sense 57.

**LEG. BINDER:**

Wait. Whoa, whoa, Sense 56.

**P.O. CARACAPPA:**

What? We can't •• based on our new rules, we've tried to set other meetings. We can't •• we can't waive the rules and approve Sense Resolutions, because they have to go through the Rules Committee.

**LEG. FOLEY:**

Yeah. That's just what I said back in January.

**LEG. SCHNEIDERMAN:**

You could waive that rule, though.

**P.O. CARACAPPA:**

Allan, I mentioned that in January, you see.

**P.O. CARACAPPA:**

Sense 55 to Ways and Means, 56 to Ways and Means, Sense 57 to Public Safety, Sense 58 ••

**LEG. FOLEY:**

That's exactly what I brought up in January.

**P.O. CARACAPPA:**

Oh, 58 and 59 are moot.

**P.O. CARACAPPA:**

Did you mention 1644? Mr. Chair, you did?

**P.O. CARACAPPA:**

I'm going to •• I'm going to assign them to committee anyway. 58 to Ways and Means, and to •• 59 to Ways and Means. I know it's moot, but I'm sending there anyway.

**LEG. BINDER:**

Mr. Chairman, if we have five minutes, I can do a Special Meeting of the Rules Committee and go over the Senses. Just very quickly, we can go through them and vote on them. It won't even be five minutes. It won't even be five minutes.

**LEG. BISHOP:**

Send a letter to Levy, you'll have your outrage.

**LEG. CRECCA:**

Allan, waive the rules, you can waive the rules.

**LEG. FOLEY:**

No, you can't waive the rule either.

**LEG. CRECCA:**

Mr. Chairman.

**P.O. CARACAPPA:**

The second •• there's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18. Those are laid on the table.

**P.O. CARACAPPA:**

Those are all laid on the table.

**LEG. BINDER:**

Let me ask Counsel. Ask Counsel.

**P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

If it's a waivable rule to deal with ••

**P.O. CARACAPPA:**

Counsel, is this •• is it a waivable rule to deal with a Sense on the floor, instead of it going to the Rules Committee? I don't believe it is, but ••

**LEG. SCHNEIDERMAN:**

Can't the Presiding Officer just send a letter?

**LEG. FOLEY:**

It's not. That was part of the change that you guys made back in January.

**P.O. CARACAPPA:**

I don't believe it is.

**MS. KNAPP:**

I don't think it is either.

**LEG. SCHNEIDERMAN:**

Joe, just send a letter to the County Executive.

**P.O. CARACAPPA:**

All right. Let's not get ••

**LEG. TONNA:**

Okay. Meeting adjourned.

**LEG. MYSTAL:**

Motion to adjourn.

**LEG. TONNA:**

Second.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Before I adjourn the meeting, I'd ask all of you on Friday to observe what is a Day of National Mourning for Ronald •• President Ronald Reagan.

**LEG. BINDER:**

How about the Legislature?

**P.O. CARACAPPA:**

We'll make that determination and send a memo to everyone's office. Regardless, it is a National Day of Mourning on Friday. I hope we all conduct ourselves in that way. This meeting is adjourned.

***[THE MEETING WAS ADJOURNED AT 8:20 P.M.]***

\\_ \\_ ***Indicates Spelled Phonetically***